

Also, petition of sundry citizens of the State of New Jersey and Kingsland (N. J.) Methodist Episcopal Church Brotherhood, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: Petition of sundry citizens of Carrollton, Wash., against Sabbath-observance bill; to the Committee on the District of Columbia.

By Mr. IGOE: Petition of A. H. Moss, St. Louis, Mo., against national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of the First Baptist Church and Bible School of Lonsdale, R. I., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KETTNER: Petitions of the Presbytery of Riverside, Cal.; sundry citizens of Pasadena; the Pentecostal Church of the Nazarene, of Cucamonga; and the California "Dry" Federation, all in the State of California, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KLESS of Pennsylvania: Petitions of sundry citizens of the fifteenth congressional district of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KINKEAD of New Jersey: Petition of various voters of the eighth congressional district of New Jersey, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LIEB: Memorial of the Evansville Manufacturers' Association, of Evansville, Ind., protesting against further extension of the Parcel Post System; to the Committee on the Post Office and Post Roads.

By Mr. McCLELLAN: Petition of 46 citizens of the twenty-seventh congressional district of New York, against national prohibition; to the Committee on the Judiciary.

By Mr. MADDEN: Petition of sundry citizens of Chicago, Ill., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MOORE: Petition of the Board of Trade of Chester, Pa., opposing Government ownership of public utilities; to the Committee on the Judiciary.

Also, resolution of the Erie Foundrymen's Association, protesting against hasty consideration of so-called trade-commission bills; to the Committee on the Judiciary.

By Mr. MORIN: Petitions of sundry citizens of Pittsburgh and others of the State of Pennsylvania and the Angelo Myers Distillery, of Philadelphia, Pa., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MOSS of Indiana: Petitions of 1,965 citizens of Vigo County, Ind., and 124 citizens of Vermillion County, Ind., against national prohibition; to the Committee on the Judiciary.

Also, petition of 86 citizens of Parke County, Ind., favoring House bill 12589 relative to hunting of game; to the Committee on Agriculture.

By Mr. MURRAY of Oklahoma: Petitions of 56 citizens of Ivanhoe, 59 citizens of Chelsea, and the Pentecostal Church of the Nazarene of Isabelle, all in the State of Oklahoma, favoring national prohibition; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Petitions of sundry citizens of Block Island, Newport, and Central Falls, all in the State of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

By Mr. PAIGE of Massachusetts: Petitions of 337 citizens of Gardner, 81 citizens of West Brookfield, 275 citizens of Athol, 18 citizens of Westminister, 560 citizens of Barre; 271 citizens of Boylston, 325 citizens of Clinton, 1,700 citizens of Fitchburg, 528 citizens of Leominster, all in the State of Massachusetts, favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Resolutions by the Pacific Coast Gold and Silversmiths' Association, favoring House bill 13305, the Stephens bill, fixing a resale price; to the Committee on Interstate and Foreign Commerce.

Also, letters from 23 residents of Valley Springs, Cal., protesting against the passage of House joint resolution 168, relative to national prohibition; to the Committee on the Judiciary.

Also, memorial from the National Association of Vicksburg Veterans, asking for an appropriation from Congress to pay camp expenses of the reunion of Civil War (North and South) veterans, at Vicksburg, October, 1914; to the Committee on Appropriations.

Also, letter from the officials of the American Federation of Labor, suggesting amendments to House bill 15657, relative to antitrust legislation; to the Committee on the Judiciary.

Also, resolutions by the chamber of commerce, San Francisco, Cal., favoring the appropriation of \$500,000 for the erection of new buildings for the United States marine hospital in San Francisco; to the Committee on Naval Affairs.

Also, resolutions by the Vallejo Trades and Labor Council, Vallejo, Cal., favoring House bill 11522, by JOHN I. NOLAN, providing for a minimum wage of Government employees of the Mare Island Navy Yard, etc.; to the Committee on Reform in the Civil Service.

By Mr. SUTHERLAND: Papers to accompany bill for relief of Elizabeth Jordan; to the Committee on War Claims.

By Mr. TAYLOR of Arkansas (by request): Petition of sundry citizens of Hot Springs, Ark., favoring Federal motion picture commission; to the Committee on Agriculture.

By Mr. TAYLOR of New York: Petitions of sundry citizens of Suffern, White Plains, Stony Point, and Katonah, all in the State of New York, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 76 citizens of the twenty-sixth congressional district of New York, against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of White Plains and Brooklyn, N. Y., against Sabbath-observance bill; to the Committee on the District of Columbia.

By Mr. TUTTLE: Petition of various voters of the fifth congressional district of New Jersey, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of various business men of Westfield, Madison, Roselle, German Valley, Morristown, and Rahway, all in the State of New Jersey, favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

Also, petitions of sundry citizens of Mendham, Summit, Madison, Dover, Chatham, Plainfield, Elizabeth, Cranford, Roselle Park, Boonton, Port Morris, all in the State of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of the Delaware High School, of Delaware, Ohio, representing 435 people, in favor of the adoption of House joint resolution No. 168, relating to national prohibition; to the Committee on the Judiciary.

Also, petition of Monnett Hall, Ohio Wesleyan University, Delaware, Ohio, representing 130 people, favoring the adoption of House joint resolution No. 168, relating to national prohibition; to the Committee on the Judiciary.

By Mr. WILSON of Florida: Petition of 76 citizens, the Woman's Christian Temperance Union, and the Baptist Young People's Union of Tallahassee, Fla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petitions of sundry citizens of Queens and Kings Counties, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. WOODRUFF: Petitions of sundry citizens of Iosco, Crawford, Bay, Arenac, Presque Isle, and Ogemaw Counties, all in the State of Michigan, against national prohibition; to the Committee on the Judiciary.

## SENATE.

THURSDAY, May 7, 1914.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we pray that we may feel the sacredness of our citizenship in a land so great and so free. Thou hast called upon Thy servants in this Senate to write the laws of a Christian Nation. We have not yet exhausted the treasure of divine revelation in the making of a nation. So do Thou grant unto them the grace to seek divine help that all Thy will may be written into the laws and into the life of this great Nation.

We remember to-day we are receiving back to their native soil the bodies of the boys of the Navy who gave their lives in obedience to the call of their country. Their blood is a part of the purchase price of the sacred inheritance that we have received. Grant us, we pray Thee, deeper convictions than ever before of our solemn obligations to men and to God, and to be such men as that we may be worthy of the trust that Thou dost commit to us. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

### EMPLOYMENT OF CONVICTS IN FOREIGN COUNTRIES.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce, transmitting, in further response to a resolution of November 10, 1913, an additional report from the American consul general at Berlin, Germany, on the employment of convicts in foreign countries, which, with the accompanying paper, was referred to the Committee on Printing.

## FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion filed by the court in the cause of the Methodist Episcopal Church South, of Campbellsville, Taylor County, Ky., claimants, *v.* United States (S. Doc. No. 479), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a concurrent resolution providing for representation of the Congress at the exercises to be held at the navy yard in Brooklyn, N. Y., on Monday, May 11, 1914, in honor of the men of the Navy and Marine Corps who lost their lives at Vera Cruz, Mexico, etc., in which it requested the concurrence of the Senate.

## ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 540. An act for the relief of Joseph Hodges;  
S. 1808. An act for the relief of Joseph L. Donovan;  
S. 1922. An act for the relief of Margaret McQuade; and  
S. 3997. An act to waive for one year the age limit for the appointment as assistant paymaster in the United States Navy in the case of Landsman for Electrician Richard C. Reed, United States Navy.

## PANAMA CANAL TOLLS.

Mr. THORNTON. Mr. President, I am compelled to leave the Chamber shortly, and I now give notice that at the conclusion of the routine morning business on next Saturday I will desire to address the Senate on the Panama Canal tolls question.

## PETITIONS AND MEMORIALS.

Mr. CUMMINS. I present a memorial numerously signed by citizens of the second congressional district of Iowa, remonstrating against the adoption of an amendment to the Constitution to prohibit interstate liquor traffic. I ask that the memorial may be received and referred to the Committee on the Judiciary.

The VICE PRESIDENT. The memorial will be referred to the Committee on the Judiciary.

Mr. CUMMINS. I present petitions numerously signed by citizens of Davenport, Boone, and Russell, in the State of Iowa, praying for the adoption of an amendment to the Constitution to prohibit interstate liquor traffic. I ask that the petitions may be received and referred to the Committee on the Judiciary.

The VICE PRESIDENT. The petitions will be referred to the Committee on the Judiciary.

Mr. TILLMAN. I have here a letter addressed to me, which I ask may be read.

The VICE PRESIDENT. The Secretary will read the letter. The Secretary read as follows:

MONAGHAN BAPTIST CHURCH,  
Greenville, S. C.

Whereas ex-Senator Carman, in his lecture this afternoon in the city of Greenville, S. C., on Mormonism, suggested that the citizens of this Commonwealth request their representatives in both Houses of the United States Congress to use their influence to adopt the proposed amendment to the Constitution of the United States prohibiting polygamy:

Resolved, That it is the sense of this audience, assembled at Greenville, S. C., this 4th day of May, 1914, that it is the patriotic duty of the United States legislative branch of the Government of the United States to make the pending amendment against polygamy into an article in the Constitution of the United States.

Submitted by C. W. Smith.

P. S.—This paper was read to an audience of 1,800 or 2,000 people in the tent of the Red Hall Chautauqua last night, and was unanimously adopted by the audience. I sincerely hope that you will consider our wishes.

The VICE PRESIDENT. The letter will be referred to the Committee on the Judiciary.

Mr. HOLLIS. I present a letter addressed to me, which I ask may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MANCHESTER, N. H., May 1, 1914.

Hon. HENRY F. HOLLIS,  
United States Senate, Washington, D. C.

DEAR SENATOR HOLLIS: I run a market at 609-613 Elm Street, Manchester, N. H., dealing in meats, fish, and groceries. I have noticed a great reduction in the retail prices of staple articles of food used in every household since a year ago.

I herewith submit the actual retail prices for such articles in my own store for the months of April, 1913, and April, 1914:

	April, 1913.	April, 1914.
Best creamery butter, per pound.....	\$0.42	\$0.30
Storage creamery butter, per pound.....	.38	.36
Best cream cheese, per pound.....	.24	.22
Good cheese, per pound.....	.18	.18
Skimmed cheese, per pound.....	.12	.12
	.15	.15
Best fresh eggs, per dozen.....	.26	.24
	.28	.25
Good eggs, per dozen.....	.24	.20
Pea beans, per quart.....	.10	.08
Evaporated apples, per pound.....	.12	.12
Patent flour, per barrel.....	6.00	5.50
Oatmeal, per pound.....	.034	.03
	.13	.10
Salt pork, per pound.....	.15	.12
	.18	.13
Pure leaf lard, per pound.....	.18	.15
Pure lard, per pound.....	.15	.12
Substitute lard, per pound.....	.13	.10
Hams, skinned backs, per pound.....	.20	.17
Hams, regulars, per pound.....	.18	.15
Smoked shoulders, per pound.....	.14	.12
	.15	.14
Fresh prime beef, first cut, per pound.....	.22	.17
Fresh prime beef, second cut, per pound.....	.20	.15
Chuck beef, per pound.....	.16	.12
	.18	.13
Boiling beef, per pound.....	.14	.10
	.15	.12
Round steak, per pound.....	.22	.18
	.25	.20
	.32	.25
Sirloin steak, prime beef, per pound.....	.40	.25
	.45	.25
Pork loins, per pound.....	.22	.16
Sugar, per pound.....	.06	.04

I feel that you are entitled to know of this great reduction in the cost of living in the largest city of the State of New Hampshire, and I shall be pleased to have you lay these facts before the United States Senate.

Respectfully, yours,

MOISE VERRETTE.

Mr. BRISTOW presented a memorial of sundry citizens of Hooker, Okla., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Kansas, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Hooker, Okla., praying for the enactment of legislation to grant a compensatory time privilege to employees of the Post Office Department, which was referred to the Committee on Post Offices and Post Roads.

Mr. BURTON presented a petition of the American Genetic Association, praying for the enactment of legislation to provide a literacy test for immigrants to this country, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Ohio, praying for the enactment of legislation to provide for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Ohio, praying for a settlement of the Mexican difficulties without resort to armed intervention, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Ohio, praying for an appropriation of \$100,000 for the enforcement of the so-called migratory bird law, which were referred to the Committee on Appropriations.

He also presented a petition of sundry citizens of Ohio, praying for Federal aid in remedying the conditions existing in the mining districts of Colorado, which was referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Ohio, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Ohio, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of the congregation of the First Baptist Church of Waltham, Mass., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BURLEIGH presented a petition of sundry citizens of Enfield, Me., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Calais, Me., praying for national censorship of moving pictures, which was referred to the Committee on Education and Labor.

Mr. KENYON presented petitions of sundry citizens of Iowa, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. WORKS presented telegrams in the nature of memorials from members of the Grain Trades Association of California and of the German-American League of California, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Social and Helping Hand Club, of San Francisco, Cal., praying for the enactment of legislation providing for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a telegram in the nature of a petition from the Woman's Christian Temperance Union of Visalia, Cal., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. PAGE presented the petition of Charles N. Prouty, of Spencer, Mass., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BRADLEY presented memorials signed by 4,707 individual citizens of the State of Kentucky, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. KERN presented a memorial of sundry citizens of Wayne, Ind., and a memorial of the Hotel and Restaurant Keepers' Association and the Indiana Hotel Keepers' Association, of Indianapolis, Ind., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of local branch, Railroad Trainmen's Association, of Seymour, Ind., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. McLEAN presented a petition of Camp Kirkland, No. 18, United Spanish War Veterans, of Winsted, Conn., praying for the enactment of legislation to pension widows and orphans of veterans of the Spanish-American War, which was referred to the Committee on Pensions.

Mr. WARREN presented resolutions adopted by the Anti-saloon League of Wyoming, representing 500 people, favoring national prohibition, which were referred to the Committee on the Judiciary.

CALLING OF THE ROLL.

Mr. McCUMBER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Goff	O'Gorman	Sutherland
Bankhead	Hitchcock	Oliver	Swanson
Borah	Hollis	Overman	Thomas
Brady	Hughes	Owen	Thompson
Brandegee	James	Page	Thornton
Bristow	Johnson	Perkins	Tillman
Bryan	Jones	Pittman	Townsend
Burleigh	Kenyon	Robinson	Vardaman
Burton	Kern	Root	Walsh
Chamberlain	La Follette	Sheppard	Warren
Clapp	Lane	Shively	Weeks
Clark, Wyo.	Lea, Tenn.	Shively	West
Clarke, Ark.	Lodge	Smith, Ga.	Williams
Cummins	McCumber	Smith, Md.	Works
Dillingham	Martine, N. J.	Smoot	
Gallinger	Norris	Sterling	

Mr. WALSH. I wish to announce the continued absence of my colleague [Mr. MYERS] on account of illness and to state that he expects to be in attendance on his duties next week.

Mr. MARTINE of New Jersey. I desire to announce that the junior Senator from South Carolina [Mr. SMITH] is unavoidably absent on official business.

Mr. TOWNSEND. I announce that the senior Senator from Michigan [Mr. SMITH] is absent on important business. He is paired with the junior Senator from Missouri [Mr. REED] on all votes. I desire this announcement to stand for the day.

Mr. SMOOT. I wish to announce the unavoidable absence of the junior Senator from Wisconsin [Mr. STEPHENSON].

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. A quorum is present.

INSPECTION AND GRADING OF GRAIN.

Mr. McCUMBER. Mr. President, I have here a letter in the form of a petition, or the substance of a petition, from the editor of the Cooperators' Herald, a farm paper in my State. I have stricken out certain portions of it, and I ask that the balance, that which has not been stricken out, may be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

FARGO, N. DAK., May 4, 1914.

Senator P. J. McCUMBER,  
United States Senate, Washington, D. C.

DEAR SENATOR McCUMBER: I read with profound sorrow and regret the defeat of your splendid grading and inspection bill, which has been before the Senate so long.

In view of the unanswerable arguments advanced during the course of the debate on the bill by yourself and by Senator GRONNA, of the vast amount of reliable data and evidence gathered during the hearing on your bill and upon the bill introduced by Senator GRONNA while he was a Member of the House, and in view of the fact that every farmers' organization, national or otherwise, in the country has, time and again, unequivocally indorsed your bill, I confess I am at a loss to understand the attitude of the Senate toward the most important and the most neglected and discriminated against industry in our country, the agricultural industry.

It is not necessary for me to add anything to the vast array of facts and arguments that have been presented to the Senate and to the House to prove the dire need of direct Federal inspection and grading of farm products, even were I able to do so, so I will content myself with expressing the hope that you and your colleague, Senator GRONNA, will press every opportunity to secure the adoption of your bill, either as a rider to the Agricultural appropriation bill, if not too late, or as an amendment to the Gore-Lever bill, which, I understand, is to come up soon, and which, I understand, has the indorsement of the grain exchanges of the country.

Friends of the farmer are unalterably opposed to any legislation of this character that falls short of direct Federal inspection. They are unalterably opposed to Federal supervision of State or board inspection, or any other subterfuge.

The grain combine, as represented by the grain exchanges, is always strongly represented at Washington whenever any legislation affecting the selfish interest of that powerful combine is before the Senate or House. On the other hand, farmers of the country are practically unorganized, and such organizations as they have are without the means to maintain a lobby at Washington.

No class in the United States has been more long suffering; no class desires more sincerely to believe that the men whom it has helped to place and maintain in high positions are at all times impelled by honesty of purpose and patriotic motives, and, I believe, no class has more reason, because of treatment received, to call in question those attributes than the agricultural class.

May we hope that the principles embodied in your bill, that North Dakota's Senators have worked and fought for so conscientiously, consistently, and so long, shall be enacted into law before the adjournment of the present Congress.

Sincerely, yours,

GEO. L. NELSON,  
Editor the Cooperators' Herald.

REPORTS OF COMMITTEES.

Mr. SHIVELY, from the Committee on Pensions, submitted a report (No. 489), accompanied by a bill (S. 5501) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following pension bills heretofore referred to that committee:

- S. 106. Henry Lottner.
- S. 549. Harriet Pierson Porter.
- S. 1649. Sigmund L. Messing.
- S. 1747. Susan A. Reynolds.
- S. 2978. Rosina Freer.
- S. 3025. Roland J. Patrick.
- S. 3102. William W. Oglesby.
- S. 3387. Bernhart Levysen.
- S. 3978. Willis D. Clark.
- S. 4607. Mary Adair Kendall.
- S. 4642. Rose Schroeder.
- S. 4650. Maud M. Whitton.
- S. 4911. Charles F. Pegg.
- S. 4915. John W. Thomas.
- S. 4963. Freddie O. J. Horne.

S. 4971. George Wash.  
 S. 4972. Dock J. Miller.  
 S. 4984. Michael A. Clark.  
 S. 5117. Leo S. Baumgart.  
 S. 5153. John W. Fessel.  
 S. 5162. Alice M. Robinson.  
 S. 5179. Alexander M. Clark.  
 S. 5268. Alfred A. Stampf.  
 S. 5292. David Britton.  
 S. 5332. Emory A. Hilkert.  
 S. 5334. Robert Layman.  
 S. 5376. James G. Smith.  
 S. 5394. Virginia C. Sawyer.

Mr. SHIVELY, from the Committee on Pensions, to which was referred the bill (H. R. 14234) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments, and submitted a report (No. 490) thereon.

Mr. WORKS, from the Committee on Fisheries, to which was referred the bill (S. 4977) to establish a fishery experiment station on the Pacific coast of the United States, reported it with an amendment and submitted a report (No. 491) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 5316) authorizing the survey and sale of certain lands in Coconino County, Ariz., to the occupants thereof, reported it without amendment and submitted a report (No. 492) thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to which was referred the bill (H. R. 11246) for the restoration of annuities to the Medwakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, reported it without amendment and submitted a report (No. 493) thereon.

Mr. NORRIS, from the Committee on Public Lands, to which was referred the bill (S. 5092) for the relief of Charles A. Spotts, reported it without amendment and submitted a report (No. 494) thereon.

Mr. JONES (for Mr. THORNTON), from the Committee on Fisheries, to which was referred the bill (S. 5313) to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and the Straits of Florida outside of State jurisdiction; the landing, delivering, curing, selling, or possession of the same; providing means of enforcement of the same; and for other purposes, reported it without amendment and submitted a report (No. 488) thereon.

#### PUBLIC BUILDING AT OSAGE CITY, KANS.

Mr. SWANSON. From the Committee on Public Buildings and Grounds I report back favorably, without amendment, the bill (S. 5066) to increase the authorization for a public building at Osage City, Kans., and I call the attention of the Senator from Kansas [Mr. Bristow] to the report. It is a very urgent measure, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

*Be it enacted, etc.,* That to enable the Secretary of the Treasury of the United States to give effect to and execute the provisions of existing legislation authorizing the acquisition of land for the site and the erection of a public building at Osage City, Kans., the limit of cost heretofore fixed by Congress therefor be, and the same is hereby, increased \$5,000, and the Secretary of the Treasury is hereby authorized to enter into contracts for the completion of said building within its limit of cost, including site.

Mr. SWANSON. The bill provides for an increase of \$5,000 in the appropriation for the erection of a public building at Osage City, Kans. The Secretary of the Treasury estimates that it will require \$7,000 additional to construct the building according to the plans and specifications, which originally provided for an expenditure of \$50,000. A bid, however, could not be secured to erect the building for that sum. I therefore move an amendment to the bill, on page 1, line 8, after the word "increased," to strike out the sum "\$5,000" and to insert in lieu thereof "\$7,000," as recommended by the Treasury Department.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I observe that the Senator from Virginia suggested that this was an urgent matter. I will inquire if the Senator is informed as to what progress is being made in the Office of the Supervising Architect in making these improvements? I ask the question for the reason that months ago a bill was passed appropriating money for a very much-needed improvement in the post office in my home city, but inquiry of the Supervising Architect has always brought a

reply that the work of the bureau was so far behind that no definite information could be given as to when the work would be taken up. Is this particular bill different from others, and will this appropriation be spent in the near future or will it go in with the others that are being delayed?

Mr. SWANSON. Mr. President, this bill provides for the increase of the appropriation in order that the plans and specifications which have already been prepared and the money for which has been appropriated may be carried out, the bids having been in excess of the amount appropriated. As soon as this increase is granted, new bids will be asked for, according to the plans and specifications. If they are within the appropriation, they will be accepted and the construction of the building will be proceeded with.

In connection with the delay of other public buildings, I wish to say that we are about seven years behind in the construction of buildings which have been authorized. A joint committee of the House and Senate was appointed to investigate this matter and to ascertain if we could not hasten the construction of these buildings. The delay has been largely occasioned because nearly 100 employees in the Supervising Architect's Office were dismissed a few years ago, not having been provided for in the appropriation bill, and therefore the means of making plans and specifications and contracts having been greatly reduced, the Supervising Architect's Office has been unable to provide the plans and specifications for the construction and improvement of buildings.

Mr. GALLINGER. Mr. President, I thank the Senator from Virginia for giving me the explanation. I did not intend to indulge in any criticism, but there is a condition that in some way ought to be remedied. It is bad enough to have the construction of new buildings postponed year after year, but it is infinitely worse to have such a condition as exists in my home city, where the public business is being carried on to the detriment of the Government and the people, an appropriation having been made months ago to remedy the trouble and nothing being done to remedy it.

Mr. SWANSON. I will say to the Senator from New Hampshire that the joint committee to which I have referred has made its report. We have provided a plan by which we hope that the buildings authorized can be constructed in three years.

I should like to say in this connection that the fault has not been with the Treasury Department, either under this administration or under the former administration. Senators think buildings can be constructed promptly and quickly, and yet when the department has asked for architects to prepare plans and to supervise the construction, Congress has refused to pay the force necessary to do the work which they have directed to be done. If Congress will provide a force sufficient to prepare plans, prepare for construction and the supervision of such buildings, they can be and will be promptly and properly constructed. I hope when the recommendations of the joint committee come before the Senate for consideration and action that those who have been complaining of the delay in the construction of buildings will aid us to get sufficient force to have this work properly and promptly done.

Mr. GALLINGER. Mr. President, as I have already said, I did not intend to indulge in any criticism, but I will venture to suggest to the Senator from Virginia, who is an influential member of the committee, that I trust a suggestion will be made to the Treasury Department and to the Supervising Architect that it would be well to take up cases exactly like this one and the one in my home city and give relief where buildings already exist, rather than to expend energy and money in constructing new buildings for the present. I think it is important that we should have adequate facilities where buildings are now constructed, rather than that we should hasten to construct new buildings, the construction of which can wait without any detriment to the public service. That is all I desire to say.

Mr. SWANSON. I fully concur in what the Senator from New Hampshire has said.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### FEDERAL BUILDING AT SALISBURY, MD.

Mr. SWANSON. From the Committee on Public Buildings and Grounds I report back favorably, without amendment, the bill (S. 4158) to reduce the fire limit required by the act approved March 4, 1913, in respect to the proposed Federal building at Salisbury, Md., and I submit a report (No. 486) thereon. It is a very urgent bill, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized to disregard the provisions contained in the public building act approved March 4, 1913, requiring 40 feet open space for fire protection about the proposed Federal building at Salisbury, Md., or to reduce the space required thereby to such an extent as he may deem necessary.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SIERRA NATIONAL PARK, CAL.

Mr. WORKS. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 13770) to consolidate certain forest lands in the Sierra National Forest, Cal., and I submit a report (No. 487) thereon. It is a matter of urgency, and I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to consolidate certain forest lands in the Sierra National Forest and the Yosemite National Park, Cal."

LIEUT. FREDERICK MEARS, UNITED STATES ARMY.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably without amendment the joint resolution (S. J. Res. 145) authorizing the President to detail Lieut. Frederick Mears to service in connection with proposed Alaskan railroad, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. BORAH. Mr. President. I am not going to object to the consideration of the joint resolution, but I shall object to any further requests for unanimous consent to consider bills this morning.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

*Resolved, etc.*, That the President of the United States be, and he is hereby, authorized to detail and require Lieut. Frederick Mears, United States Army, to perform service in connection with the location and construction of the railroad or railroads in the Territory of Alaska provided for in act of Congress approved March 12, 1914.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CHAMBERLAIN. In connection with the passage of the joint resolution I desire to have put in the RECORD a letter from the Secretary of the Interior giving the reasons why this request was made.

The VICE PRESIDENT. Without objection, that action will be taken.

The letter referred to is as follows:

THE SECRETARY OF THE INTERIOR,  
Washington, May 6, 1914.

Hon. GEORGE E. CHAMBERLAIN,  
Chairman Committee on Military Affairs,  
United States Senate.

MY DEAR MR. CHAMBERLAIN: Pursuant to the provisions of the act of Congress approved March 12, 1914, being an act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes, the President selected Lieut. Frederick Mears, of the United States Army, to perform services in connection with this work. Lieut. Mears is the chief engineer of the Panama Railroad. He is not, however, an officer of the Engineering Corps of the Army or Navy, and the Secretary of War advises me that the proposed detail is not authorized by the act of March 12, 1914, supra, and is forbidden by section 1222 of the United States Revised Statutes, and that in case of other details of officers of the Army to perform civil duties it has been found necessary to procure special legislative authority for such designation.

Lieut. Mears is in the city, and it is the President's desire that he should proceed at once to Alaska, and at the President's request I inclose a joint resolution which I trust that you will see fit to introduce and on which we hope for prompt action.

Cordially, yours,

FRANKLIN K. LANE.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRYAN (for Mr. FLETCHER):

A bill (S. 5502) for the relief of James D. Butler; to the Committee on Claims.

By Mr. HUGHES:

A bill (S. 5503) granting a pension to Lillian J. Hartley; to the Committee on Pensions.

By Mr. JONES (for Mr. THORNTON):

A bill (S. 5504) to authorize the Secretary of Commerce to provide additional inspection of the fisheries of Alaska, and authorizing the purchase or construction of vessels and boats to be used in connection therewith; to the Committee on Fisheries.

By Mr. WORKS:

A bill (S. 5505) granting a pension to Josephine C. Sumner (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 5506) for the relief of Cyrus Kennedy; to the Committee on Military Affairs.

By Mr. OWEN:

A bill (S. 5507) to correct the military record of Stephen W. Parker; to the Committee on Military Affairs.

By Mr. BORAH:

A bill (S. 5508) granting an increase of pension to Martha G. Lee (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 5509) granting an increase of pension to Burnum W. Francis (with accompanying papers); to the Committee on Pensions.

By Mr. VARDAMAN:

A bill (S. 5510) for the relief of the heirs of Jacob Kuykendall; to the Committee on Claims.

By Mr. CHAMBERLAIN:

A joint resolution (S. J. Res. 146) to authorize the President to raise the organization of the Regular Army on certain occasions to its prescribed statutory maximum strength; to the Committee on Military Affairs.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. MARTINE of New Jersey submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BURTON submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

Mr. SHIELDS submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

PANAMA CANAL TOLLS.

Mr. WORKS. I submit an amendment to the Panama Canal tolls bill and ask that it be read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Strike out the amendment reported by the committee and insert in lieu thereof the following:

"Provided, That neither the passage of this act nor the imposition upon or collection of tolls from the ships of this country or its citizens for passing through the Panama Canal shall deprive the United States of the right as owner of said canal to exempt from the payment of such tolls any and all ships of the Government and its citizens at any future time, nor shall this act be construed as a waiver of such right or as an acceptance of or consent to such a construction of any treaty with a foreign country as will deny or abridge the same."

Mr. WORKS. I ask that the amendment may be printed and lie on the table subject to call.

The VICE PRESIDENT. That action will be taken.

EFFECT OF TARIFF LEGISLATION ON AGRICULTURE—ADDRESS BY SENATOR PENROSE.

Mr. OLIVER. Mr. President, I have an address, delivered at Sharon, Pa., on the 30th ultimo by my colleague [Mr. PENROSE], upon the subject of the injury to agriculture and our national welfare by the Democratic tariff. I ask unanimous consent that it may be printed in the RECORD.

The VICE PRESIDENT. Is there any objection to the request of the Senator from Pennsylvania?

Mr. SIMMONS. Mr. President, I could not hear the Senator. I do not know what the paper contains.

Mr. OLIVER. The paper, Mr. President, contains some very valuable statistics as to the effect of the recently enacted tariff bill upon the agricultural interests of the country. It was delivered by my colleague at Sharon, Pa., on the evening of the 30th of last month.

The VICE PRESIDENT. Is there any objection to the address referred to by the Senator from Pennsylvania being printed in the RECORD?

Mr. SIMMONS. Mr. President, I think it is an exceedingly bad practice to be printing in the RECORD speeches delivered outside of the Chamber by Senators, but if the request comes from the senior Senator from Pennsylvania [Mr. PENROSE] I shall not feel like objecting to it. I do feel like saying, however, that it is a very bad precedent to establish.

Mr. MARTINE of New Jersey. Mr. President, I should like to say that I have been regaling myself this morning with reading one of the Philadelphia papers, and I think it is utterly unnecessary to publish any more of the effusions of the colleague of the Senator from Pennsylvania. The Philadelphia papers are just chock full of the calamity howl, death, desolation, stagnation, and woe that is perpetrated in the daily press of Philadelphia by the distinguished senior Senator from Pennsylvania [Mr. PENROSE]. Everything is cloudy and gloomy, and there is no hope for mankind hereafter, because of the enactment of a Democratic tariff bill.

I do not think it is necessary to encumber the RECORD with any more of it. You can buy for 1 cent the Philadelphia Inquirer or one of the other Philadelphia papers, and you will fairly see the magnificent, stalwart form of Senator PENROSE pictured on every page. It finally winds up with the statement that he is going to spread his gospel; that he is even going to invade the State of the Senators from Indiana, and there tell the tale of sadness and woe that the Democratic Party has brought on this land. [Laughter.]

I am opposed to depressing mankind further. I felt sad after I read this speech, and, great God, I do not want another page in any document spread with like propaganda.

Mr. OLIVER. Mr. President, I am glad to find that the Senator from New Jersey at last realizes the effect of this act, to the passage of which he was a party, and realizes the injurious effect that it is having on the country. However, I do not think that is pertinent to the present proposition. I only wish to say that the facts contained in this address will find their way into the RECORD sooner or later. If they are included in this way it may save 15 or 20 minutes of the time of the Senate at a future period, because I wish to assure Senators that they will go into the RECORD.

The VICE PRESIDENT. Is there any objection to printing the address in the RECORD? The Chair hears none, and the address of the senior Senator from Pennsylvania will appear in the RECORD.

Mr. MARTINE of New Jersey. Mr. President, I object.

The VICE PRESIDENT. The Chair has ruled.

The address is as follows:

THE INJURY TO AGRICULTURE AND OUR NATIONAL WELFARE BY THE DEMOCRATIC TARIFF.

(Address by Hon. BOIES PENROSE, United States Senator from Pennsylvania.)

The Democratic administration has been in power for a little over a year. Its first important legislative act, the tariff, has been in effect a little more than six months. This is a comparatively short period. It would have seemed almost incredible, at the time this act was passed, that in six months thereafter its great feature would stand out clearly as a great national blunder. Yet this has come to pass. And now this blunder is practically admitted by the leading authority in the Democratic Party in the matter with regard to which the blunder was made. I refer to this because the matter is one of fundamental national importance and of great interest at this time to the people of Pennsylvania.

ITS EFFECT ON AGRICULTURE.

This blunder concerns the great industry of agriculture. As to Pennsylvania, the manufactures of the State are so much in evidence that many of our people do not realize that Pennsylvania is a great agricultural State also. But it is noted for the number, good management, and general excellence of its farms and for its large agricultural production.

A recent report of the Department of Agriculture of the United States practically admits that in our country to-day the incentive to more farming and better farming is wanting. This report from the department Bureau of Statistics says:

However desirable increased production of farms may be from the consumers' standpoint, it does not follow that such increased production would result in any increase in the cash income per farm or per capita of farm population, or that prices paid by consumers would be any lower.

The meaning of this, which is brought out further in the report, is that, as the increase of crops would simply result in a lowering of the price at which the farmer must sell, he has no practical incentive to apply increased labor and improved and more scientific methods to his industry. But the welfare of all our people requires that the production of our agricultural industry be increased as much as possible and that more scientific methods and better organization be established in this

industry throughout our country. As the products of our country increase, our purchasing power increases, and with it come better homes and more comforts of life, better education and advantages for our children, and the increase of individual energies and capacities and of all that makes life useful and satisfactory. This is as true for the agricultural industry as for any other industry. Farms are really factories for the manufacture of crops, and must have the same sort of intelligent consideration and regard that manufacturing establishments need. It is remarkable that it should be thought that the farmers should be always content with small returns for their hard work, so fundamentally necessary for the public welfare. Why, in fact, should not the pursuit of agriculture in the United States yield as much return for investment and labor as is obtained in other business enterprises?

But we are now brought face to face with the fact, and reminded of it by the Department of Agriculture, that the natural and necessary inducement to encourage our farmers to greater efforts, better methods, and increased production has been seriously impaired. Here is a most serious economic discouragement introduced to disturb the excellent progress that has been under way, and which the farmers have been making for themselves in a businesslike way, and by means of many useful associations for self-help and cooperation, like the granges and other notable organizations. And the farmers have been going ahead to work out better methods for marketing their products in the cities, so that avoidable wastes, delays, and maladjustments between producers and consumers should be eliminated and the city consumers more efficiently and more cheaply served. And now the Department of Agriculture of the United States, in its comment upon the situation in this matter, plainly admits that what the consumers really need is better marketing and distribution of our own farm products, and not the free entry of all sorts of foreign products, which inevitably discourages and delays progress in really satisfying the consumers' needs. The department says in its report:

The long line of distributors and middlemen between the farmer and consumer are in a position to take advantage of the market and to a certain extent control the market in both directions, because they are better organized to keep informed of crop and market conditions and to act promptly than either farmers or consumers, who are not organized, and as individuals are helpless. The high prices paid by consumers, ranging from 5 to nearly 500 per cent in some cases more than the farmer receives, indicate that there is plenty of room for lowering the cost of farm products to consumers and at the same time largely increasing the cash income per farm without increasing farm production. This condition is undoubtedly a marketing problem, which will have to be solved by better organization of farmers and improved methods of marketing.

That our resources are such as to enable our own farmers to vastly increase their production when they have the proper incentive is made clear in the latest annual report of the Secretary of Agriculture. The Secretary says:

The situation is one about which many have become pessimistic, but of course there is no ground for thinking that we have yet approximated the limit of our output from the soil. As a matter of fact, we have just begun to attack the problem; we have not even reached the end of the pioneering stage, and have only in a few localities developed conditions where reasonably full returns are secured. With a population of less than 95,000,000 living on more than 3,000,000 square miles, it is unreasonable to speak as if our territory had been much more than pioneered. The population per square mile in the Union does not exceed 31, and ranges from seven-tenths of 1 in Nevada to 508 in Rhode Island. It is less than 76 per square mile in any State in the Union except in 8 Eastern States and in Ohio and Illinois; less than 50 in any Southern State; less than 43 in any State west of the Mississippi except Missouri; less than 25 in the great States like Texas, Washington, Nebraska, Oklahoma, Kansas, and California; less than 10 in the Dakotas, Oregon, and Colorado; and less than 5 in most of the Rocky Mountain Commonwealths.

Look at it from another point of view. According to the best statistics available, it appears that the total arable land in the Union is approximately 935,000,000 acres; that only about 400,000,000 of this is included in farms and improved; that over 100,000,000 is unimproved and not included in farms; and the remainder is unimproved lands included in farms. But there is another thought. What about the efficiency of the work on the land now under cultivation? What part of it may be said to be reasonably, efficiently cultivated? What part of it is satisfactorily cultivated and is yielding reasonably full returns? The opportunity for guessing in this field is unlimited, but, according to the best guesses I can secure, it appears that less than 40 per cent of the land is reasonably well cultivated and less than 12 per cent is yielding fairly full returns or returns considerably above the average.

We have been suddenly brought face to face with the fact that in many directions further production waits on better distribution and that the field of distribution presents problems which raise in very grave ways the simple issue of justice; that under existing conditions in many instances the farmer does not get what he should for his product; that the consumer is required to pay an unfair price; and that unnecessary burdens are imposed under the existing systems of distribution there can be no question.

The Democratic tariff threw away many duties and reduced duties all along the line on manufactured articles; and yet the greatest feature of this tariff is that it has put farm products practically on the free list at one blow. This was one of the great objects of the Democratic tariff. A great deal of popular

excitement had been aroused about what is known as the high cost of living, and the Democratic Party maintained that this was caused by the Republican tariff—especially by the duties on farm products—and that the only thing to do was to remove these tariff duties on farm products and reduce the other duties radically.

The Republican Party maintained that the high cost of living prevailed all over the world, and occasioned as much comment, or more, in other countries as in the United States; and that, as it was a world-wide phenomenon, the most sensible thing to do was to carefully examine into the causes of it and determine the true remedy and then proceed in this country to do our part in applying the remedy. This is characteristically the Republican way of meeting a difficulty, the constructive way, the way by which good and lasting results are secured and prosperity maintained. And the Republican Party gave warning that to sacrifice the tariff was not the way to correct the high cost of living, but was the way into greater difficulties and serious distress.

**NEW COMPETITION BUT NO REDUCTION IN THE COST OF LIVING IN THE CITIES.**

But the Democratic Party used its power to enact its tariff under the whip and spur of the President, and in such shape as pleased the President, without careful scrutiny by a scientific tariff commission such as the Republican Party sought to establish and which the welfare of the great interest of agriculture and of all our people urgently requires. Now after six months of this tariff, which the Democratic President and his party promised would reduce the cost of living, it is admitted that it has given no relief to the consumer and can scarcely be expected to do so in the future. The defenders of this Democratic tariff are hard pressed to find a single instance of the lowering of prices of any food products to the consumers in the cities, to those for whose sakes it was said that the Republican rates of duty would have to be sacrificed. The sacrifice has been made, and at the expense of the American farmers, but no benefit has been obtained from the free importation of farm products to offset the injury to the farmers. The people of the cities are not getting their food supplies cheaper. The Democratic promise of a reduction in the cost of living has broken down and is now discredited.

**THE ONLY WAY TO HELP THE CONSUMERS IN THE CITIES.**

As the Department of Agriculture makes clear in its report, the only way by which the actual consumers in the cities can get cheaper food is through better methods of marketing and distributing our own food products. This is recognized also by the present Postmaster General, who is making heroic efforts to bring the city consumer and farm producer together by means of the parcel post. This problem of distribution, from its very nature, must be worked out by and through our own farmers. They have taken up their part of the task in the right spirit and with good effect. The people of the cities must, however, cooperate and do their full share. The task is a great one and calls for all the aid that the cities can render, and they can and must aid with their great resources and facilities, their training and skill in organization and business enterprise, and the intelligence and aggressiveness which have made American business men known and respected the world over. The city people must not forget that they must do their part also in securing a larger production of American farm products.

Our own farmers and our farm production are discouraged by the present tariff policy and the net result is a worse condition than before, to which the great depression of industry generally adds further difficulty. It was a great blunder—and worse than a blunder—to throw away our tariff on farm products and bring against the domestic market of our own farmers the unrestricted competition of farm products from all over the world, including the products of the cheapest and most degraded labor to be found in the world. In this serious injury to our farmers Pennsylvania, in common with the other great agricultural States, suffers greatly.

**DAIRY PRODUCTS.**

Throughout Pennsylvania the market for dairy products is a matter of great importance to the farmers. The Democratic tariff has cut the tariff rates drastically on such products. Under the Republican tariff butter was dutiable at 6 cents per pound. The present rate is only 2½ cents per pound. This is a reduction of almost 60 per cent. The result is shown in the statistics of recent imports, and a comparison with the imports under the Republican tariff makes clear the tremendous effect of the change.

During the four months from October, 1912, to January, 1913, both inclusive, under the Republican rate the imports of butter and substitutes therefor were 470,175 pounds, valued at \$122,313. In the corresponding four months one year later, October,

1913, to January, 1914, both inclusive, under the present Democratic tariff, the imports have amounted to the enormous total of 4,575,079 pounds, valued at \$1,031,759. This sudden increase in these imports, which the domestic market must absorb, amounts to 4,104,904 pounds, valued at \$909,446. The first month under the new tariff was October, 1913. The imports of butter and substitutes during this month were 463,399 pounds, more than seventeen times the imports of the same month one year before; but for the next month, November, 1913, the imports were 1,069,617 pounds, considerably more than double the imports of October. It is evident that the real effect of the new rates did not have time to appear in the imports of October. Hence the imports of the following few months afford a much truer indication of what to expect under the new rates. During these months the imports steadily increased. The average monthly imports during November, December, and January amounted to 1,370,560 pounds. These figures indicate yearly imports of not less than 16,446,720 pounds.

The imports of cheese and its substitutes have also increased greatly. The duty on this important dairy product was reduced from 6 cents per pound to 20 per cent ad valorem. In 1912, a normal year, the rate of 6 cents was equivalent to about 32 per cent ad valorem, so that this reduction was almost 40 per cent. During the first four months under the new tariff the increase in the imports of this article amounted to 6,254,068 pounds, valued at \$927,511. The probable annual importations under the new rates, judging from the imports of November, December, and January, will amount to not less than 78,128,420 pounds.

Cream, which under the Republican tariff was dutiable at 5 cents per gallon, is now on the free list. Milk, both fresh and condensed, is also now absolutely free of duty. The increase in the imports of cream during the first four months of the new tariff, over those of the corresponding period of one year before under the former tariff, amounted to 183,035 gallons, valued at \$167,078. The imports of milk increased in the same period from \$66,531 worth to \$322,211 worth. A great deal of condensed milk is now being imported and has cut off a very important part of the American farmer's market for domestic milk for condensation. It is reported that new arrangements are now actively under way for great additional importations of milk, both fresh and condensed, and it is certain that our farmers have only begun to experience the effect of free trade in these articles. And it is now announced that the American manufacturers of condensed milk will pay American dairymen lower prices for milk during the six months beginning April 1, because of the tariff changes. However, the consumers of condensed milk will not get it any cheaper.

**CORN.**

In Pennsylvania the greatest crop is corn, as in so many of our great agricultural States. In 1911 Pennsylvania had 1,435,000 acres in corn and the yield was 63,858,000 bushels. The State has steadily increased its acreage and yield of corn since 1909. And to-day it would like to and could go on to produce much more corn, as could also our other States. But the Republican duty of 15 cents per bushel has been swept away, and corn is now on the Democratic free list, and corn is being brought in in enormous quantities, principally through the Atlantic ports, from Argentina and other distant countries.

Without a comparison of the actual figures it is hard to realize what this new competition means. We have now at hand the Government statistics of imports for the first four months under the new tariff, from October 4, 1913, to the end of January of this year. During the corresponding four months one year ago the imports of corn into the United States amounted to 258,684 bushels, valued at \$139,766, and yielded some revenue to the United States Treasury. During the corresponding four months one year later, the first four months under the new tariff, the imports of corn amounted to the enormous total of 7,004,159 bushels, valued at \$4,656,216, and yielded no revenue whatever to the United States Treasury, but entered without toll into the American market.

The farmers of Pennsylvania, into which a great deal of this corn has gone, will realize before long what this new competition means. And they will understand the extent of it when they consider that this importation during only one-third of a year is about 11 per cent of the entire production of corn in the great State of Pennsylvania throughout an entire year. If these imports continue at the present rate throughout the year, they will amount to about a third of the entire production of Pennsylvania in that period.

Of course, with an agricultural product, it can not be predicted with certainty that the imports of one period of four months will continue at the same rate throughout the whole year. There are certain seasons for crops, and crop conditions vary. And yet, as corn can come into our markets free of any

duty from all countries where corn can be grown, and as additional arrangements for new and greater importations will naturally be made with every passing month, it is not improbable, since far greater importations are indicated by the statistics now at hand, that the imports of corn for the year 1914 will exceed the average annual corn crop of Pennsylvania.

It is reported that the recently harvested corn crop of Argentina will be much greater than any crop heretofore produced in that country. As the greater part of the Argentine crop is exported, it is practically certain that much larger quantities of Argentine corn will come to the United States in the near future, and that the free access to our markets will encourage a still larger production in Argentina next year. And now it is reported that Russia will make a Government monopoly of the sale and export of grain produced in that country and develop by special efforts the greatest possible amount of exports. The free access to our markets invites and encourages this great foreign development as well as the one in South America, and all this must be at the expense of our own agricultural development.

## OATS.

Oats constitute a great crop in Pennsylvania. In 1911, 31,720,000 bushels were produced from 1,212,000 acres, an average yield per acre of 28½ bushels. This crop was a substantial increase over the yield as reported by the census for the year 1909. Under the Republican tariff the duty on oats was 15 cents per bushel. The Democratic tariff, now in effect, has cut down this rate to only 6 cents per bushel, a reduction of 60 per cent. With the Republican tariff in effect, the imports during the four months from October, 1912, to January, 1913, both inclusive, were 23,580 bushels, valued at \$11,679. With the Democratic tariff in effect, the imports of the corresponding four months one year later, from October, 1913, to January, 1914, both inclusive, the first four months under the new tariff, amounted to the interesting total of 16,194,145 bushels, valued at \$5,628,405.

Here is as much as one-half of the annual production of Pennsylvania, as much as is obtained by the hard work of Pennsylvania farmers from 568,215 acres, coming in from all over the world. The statistics show that the imports in October, 1913, the first month under the new tariff, do not indicate the full effect of the tariff, for the imports in the following month, November, were twice as much as in October, and were greater in December than in November. The average monthly importations during November, December, and January amounted to 4,556,450 bushels. At this rate throughout the year the yearly importations would amount to 54,577,400 bushels, or about one and two-thirds times the annual output of Pennsylvania.

## POTATOES.

The Republican rate of duty on potatoes was 25 cents per bushel. The Democratic rate is only 10 per cent ad valorem, or no duty if imported from countries which impose no duty on potatoes from the United States. The situation in this matter is something like that with wheat—we have not yet begun to experience the full effect of what is practically a free-trade tariff. However, we are now experiencing a great deal of the effect. Under the first four months of the new tariff potatoes came in free of duty to the amount of 2,183,187 bushels. During the same period potatoes dutiable at 10 per cent came in to the amount of 1,078,508 bushels. The total of these imports is 3,261,695 bushels, valued at \$1,478,819. What this means can be realized when it is remembered that in the corresponding four months one year before, under the Republican tariff, the imports were 79,500 bushels, valued at \$84,641. The increase in the short period, with the full power of the new tariff not exercised, amounts to 3,182,195 bushels, valued at \$1,394,178.

## HAY.

The duty on hay was cut from \$4 to \$2 per ton. In the first four months under the low rate 64,633 tons were imported. This is an increase of 10,410 tons over the imports of the corresponding four months one year before. If the comparison is made with reference to the last three months for which statistics are available, the increase is greater.

## CATTLE.

Under the Republican tariff the duty on cattle was 27½ per cent ad valorem when valued at more than \$14 per head and \$3.75 per head on those valued at not more than \$14. This specific duty was equivalent to about 27½ per cent on the imports of 1912. The Democratic tariff has made all cattle free of duty. The imports have more than trebled. Under the Republican rate 136,087 head of cattle came in during the four months from October 1, 1912, to January 31, 1913. In the corresponding period one year later, the first four months under

the Democratic tariff, 431,921 head of cattle came in. The increased imports are very largely from Mexico, notwithstanding the disturbed conditions in that country. When order is restored there, the Mexican exports of cattle to the United States must increase greatly beyond these recent numbers.

## SHEEP.

Sheep are also free of duty under the Democratic tariff. The Republican rate was 75 cents per head if less than 1 year old and \$1.50 per head if more than 1 year old. These specific duties averaged from 14 to nearly 19 per cent ad valorem in 1912. Under free trade in sheep, during the first four months of this policy, 124,588 head of sheep came in, valued at \$276,231, the average import value being \$2.22 per head. During the corresponding four months one year before, under the Republican rates, the imports were 9,430 head, valued at \$50,821, the average import value being \$5.39 per head.

## MEATS.

Fresh meats are now on the free list under the Democratic tariff. Imports have increased greatly. For the first four months under the new tariff there have been imported 44,764,396 pounds of beef and veal, 1,055,470 pounds of mutton and lamb, and 401,014 pounds of pork, a total of 46,220,880 pounds of fresh meats, valued at \$3,754,023. The imports of such meats under the Republican tariff were included in the group called "all other meat products" prior to July 1, 1913, and hence an exact comparison of these recent importations with those of the corresponding period of one year ago can not be made. But as all the imports during this period of one year ago of all the articles in the group called "all other meat products" amounted to only \$536,804 and the recent imports of fresh meats alone amounted to seven times this amount, the enormous increase in the imports of meats is clearly shown in the statistics.

## EGGS.

The statistics also indicate the great quantities in which new imports of eggs are coming in, although under the classification of import statistics an exact comparison of the first four months under the new tariff with the corresponding four months one year ago can not be made, as eggs were then included with other articles. During the first four months under the new tariff 2,885,561 dozen eggs were imported. The large importations did not begin to come in until last December. The statistics indicate importations of about 12,000,000 dozen eggs during a year. During the fiscal year 1912, under the Republican tariff, 1,098,702 dozen eggs were imported. The Republican rate of duty was 5 cents per dozen. The Democratic tariff has eggs on the free list.

## BUCKWHEAT.

Buckwheat is an important crop in Pennsylvania, which in 1911 had a larger acreage in this crop than any other State and raised 6,373,000 bushels, or 36.31 per cent of all the buckwheat raised in the United States. Under the Republican tariff the duty on buckwheat was 15 cents per bushel of 48 pounds, and the duty on buckwheat flour was 25 per cent ad valorem. Under the Democratic tariff both buckwheat and buckwheat flour are on the free list. The imports of buckwheat are not separately reported in the Government statistics, but it is well known that large quantities have been coming in during the past few months, almost all of which are imported directly by the millers and used instead of American buckwheat.

## SECTIONAL DISCRIMINATION.

The Democratic administration did not apply its policy of free trade in agricultural products to the whole country without favoritism. The southern farmers were not treated as harshly as were the northern farmers. The northern farmers must have corn, buckwheat, and other grains on the free list, but the southern farmers were granted a protective duty on rice. The northern farmers must contemplate potatoes on the free list, but the farmers of Virginia, North Carolina, and other Southern States enjoy a protective duty on peanuts.

Fruit such as is produced by the northern farmers is subject only to a very low rate of duty, but the lemons and oranges of Florida have a protective duty. The wool produced in Northern States is on the free list, while the Angora goat hair produced in Texas enjoys a protective tariff. These discriminations in favor of southern farmers are a practical admission of the truth that protective duties develop agricultural production and prosperity.

## THE IMPORTANCE OF THE REPUBLICAN POLICY FOR AGRICULTURE.

In striking contrast with the mistaken policy toward agriculture exhibited in the present tariff, the Republican policy has been and is to bring to bear the influences that make for a great increase in our own production and subsequent prepara-

tion of foodstuffs. This is the really constructive policy which is of genuine service to all our people. It is of advantage not only to Pennsylvania, but to all the States. And it is the only policy that will give us a permanent benefit.

It is not generally realized that we have enormous areas of undeveloped lands in our own country. In fact, the development of domestic agriculture has only fairly begun in a number of the Western States. In North Dakota only about one-fourth of the land is under cultivation. In the eastern part of Montana lies a great agricultural territory which has hardly begun to be cultivated. Those who have made a careful study of our agricultural possibilities demonstrate that we can raise in the United States all the food needed to supply eight times the present population. In Pennsylvania, although a State of great agricultural development, there is a great deal of productive land unused or insufficiently used.

The great force and, in fact, the only force that will lead to the development of these resources is sufficient inducement to farmers to incur the risk and labor incident to cultivating them. This inducement must be an adequate return for the labor and risk. Take the country through and through and it must be admitted that comparatively few farmers receive as yet an adequate return for their unremitting toil and constant investment. By giving to the American farmers a reasonable advantage in the American market, to which they are by their citizenship entitled, we will supply the needed inducement for them to extend their enterprise and best efforts to the more thorough cultivation of farms now in use and to the cultivation of land that is now idle and unproductive. Another evidence of the error of the Democratic policy and of the value of the Republican policy is to be found in a report recently issued by the committee on statistics and standards of the Chamber of Commerce of the United States. This report is thoroughly scientific and disinterested. It shows that there is no foundation for any apprehension that our population increases faster than our domestic food supply can and should increase.

This chamber of commerce is a nonpartisan association made up of chambers of commerce and boards of trade throughout the country. It has nothing to do with politics and makes its investigations and reports according to the actual facts ascertained in a businesslike and thorough way, and its reports are for the information and guidance of all men. The report of this body on the food supply shows a great increase in the domestic output of agricultural products, much beyond the increase of population and its requirements, and goes on to say:

It is entirely within the possibility of modern scientific farming, economically and profitably, to increase the yields of most food crops in a very large measure at comparatively small expense. In some cases the possibility of increase, under these conditions, of certain products runs as high as 100 per cent and more. An instance in point is that of the production on 10 acres, by a boy in South Carolina, of 228 bushels of corn per acre, as against an average of 28 bushels all over the United States. The innumerable instances of what can be done in this direction and the steadily broadening work of the Federal Department of Agriculture and the State agricultural colleges throughout the country give assurance that we may expect a steady increase in production per acre in the coming years. If, therefore, we survey the field in sober thought rather than the Cassandra-like spirit of prophecy, the outlook seems to be for a greater variety, increasing abundance, and a more reasonable price of food for the people.

On the other hand, to keep our doors thrown open to the free entry of the agricultural production of the world is to subject our farmers, our own fellow citizens, to the competition of the cheapest labor in the world and to hold back from our people the normal incentive to fully develop their own lands while adding to such incentive for foreign peoples. There are enormous areas of undeveloped lands in the newer countries of the world, in South America and Australia, and also in Siberia and other parts of Asia, in Russia, and in many parts of Africa. Throughout the world there is a rapid increase in the production of food products in excess of the increase in the world's population. Hence the level of prices of such products must be low and may go much lower. Improved processes of packing and transportation bring to our doors the competition of these products in a way that is very threatening for our own producers. And with these importations sanitary inspection can not be as thorough as with the home-grown article, and our farmers are at a disadvantage in this matter as well as in the matter of price.

THE REPUBLICAN POLICY THE ONLY ONE THAT WILL HELP CONSUMERS AND PRODUCERS.

The flood of importations of foreign products can accomplish nothing toward the solution of this problem, but has the effect of discouraging our own farmers, diminishing their output, and withdrawing from them the practical and necessary inducement to find and establish the proper method of distribution. And under this discouragement and in the lack of an effective marketing system the younger people will continue to leave the

farms and enter the cities, there to enter into the intense competition for employment and to add to the wage troubles and unemployment that are so heartbreaking to the workers of the cities.

Only that which helps the producers can help the consumers. If we really want to reduce the cost of living, we must turn away from the destructive policy of the Democratic Party. We must repeal the present tariff and establish one that will fairly recognize the American farmer and the American laborer. The American farmer is entitled to especial consideration in our tariff. His industry is the basis of our life and prosperity. He should be the last to be deprived of protection. He should receive constant and liberal encouragement, not by words alone but by the positive effect of the economic situation, to raise more and better crops, to adopt the successful methods of more intense and more diversified farming, to install machinery wherever possible, to study and experiment for better marketing, and to supply his home and environment with more conveniences and attractions for himself and his family.

Everything of this sort will amply repay the American people. The protection and encouragement of the farmer will be the real relief and welfare of all the people of the cities. It will, in fact, be the salvation of the cities and the Nation from evils of socialistic ideas and perils of revolutionary discontent, which, if allowed to run on, will threaten the very existence of the Republic. Only upon the foundation of the large and lasting welfare of the American farmer can the strength of the Nation continue. The great and powerful interests in the cities—the merchants, the manufacturers, the bankers, and all who have prospered greatly—owe it to their country, as well as to themselves, to devote their best thought and attention, even to the point of sacrifice if it were necessary, to secure for the American farmers every encouragement for their best efforts and a generous prosperity for them and theirs.

DIPLOMATIC HISTORY OF THE PANAMA CANAL (S. DOC. NO. 474).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read:

*To the Senate of the United States:*

In response to the resolution of the Senate of the 29th ultimo, calling for certain correspondence relating to the so-called tripartite convention concluded in 1909 between the United States, Colombia, and Panama, and for correspondence not heretofore communicated relating to the "Hay-Concha protocol," I transmit herewith a report of the Secretary of State containing the correspondence called for.

WOODROW WILSON.

THE WHITE HOUSE, May 7, 1914.

Mr. HITCHCOCK. I ask that the message of the President and accompanying papers be printed with Senate Document No. 474 and that they be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

MEMORIAL EXERCISES, BROOKLYN NAVY YARD.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (No. 39) of the House of Representatives, which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved by the House of Representatives (the Senate concurring).* That for the representation of the Congress at the exercises to be held at the navy yard in Brooklyn, N. Y., on Monday, May 11, 1914, in honor of the men of the Navy and Marine Corps who lost their lives at Vera Cruz, Mexico, there shall be appointed by the Vice President 7 Members of the United States Senate and by the Speaker 21 Members of the House of Representatives.

Sec. 2. That the expenses of the committee shall be defrayed in equal parts from the contingent appropriations of the Senate and House of Representatives.

PANAMA CANAL TOLLS.

Mr. O'GORMAN. I ask that the Panama Canal bill be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. O'GORMAN. Mr. President, on the 7th day of August, 1912, by a vote of 44 to 11, the Senate declared that vessels engaged in the coastwise trade shall be exempted from the payment of tolls passing through the canal. I ask that the Secretary read the record of that vote.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

In favor of exemption—

Ashurst	Cummins	Martine, N. J.	Simmons
Bacon	Dillingham	Massey	Smith, Ariz.
Borah	Fletcher	Newlands	Smith, Ga.
Bourne	Gallinger	O'Gorman	Smith, S. C.
Bristow	Johnson, Me.	Overman	Smoot
Bryan	Johnston, Ala.	Page	Stone
Burnham	Jones	Perkins	Swanson
Catron	Kenyon	Pomerene	Thornton
Chamberlain	Kern	Reed	Townsend
Clapp	La Follette	Sanders	Williams
Crawford	Martin, Va.	Shively	Works

Opposed to exemption—

Brandegee	Fall	Nelson	Root
Burton	Gronna	Oliver	Wetmore
Crane	Lodge	Penrose	

Mr. O'GORMAN. A bill is now pending before us to repeal the coastwise exemption, but the advocates of the bill do not seem to be in accord as to the reasons why Congress should reverse itself. Some of those who support the repeal are opposed to the exemption on economic grounds; others recognize its economic advantages but believe that the Panama Canal act violates the Hay-Pauncefote treaty. Others approve the existing law, and while insisting that it does not contravene the provisions of the Hay-Pauncefote treaty, nevertheless favor the repeal because the Executive has requested that this action be taken.

The question is an important one and its wise solution will tax the intelligence and patriotism, perhaps the courage and independence, of every Senator. Our action on the pending measure may mark an epoch in the history of the Republic; its influence may be felt by our posterity. Whether we shall deserve their censure or gratitude will depend upon the manner in which we shall meet the responsibility which now confronts us. If we perform our duty as become Senators of the United States and vote according to our judgment and convictions, I believe that no Senator now or hereafter will have to reproach himself with having abandoned his country when her honor and security called for his defense.

The bill comes from the committee without recommendation, a motion to report it favorably having been defeated by a vote of 5 to 9.

Mr. President, I intend to consider briefly the legal, economic, and political aspects of this question. In my judgment, the British claim has neither law nor justice to sustain it. I hope to be able to establish: First, that the exemption of the coastwise vessels constitutes a wise, economic policy, and is not affected by the Hay-Pauncefote treaty; second, that if coastwise vessels fall within the terms of the treaty, the exemption does not constitute a violation thereof; third, that the canal has been constructed on territory over which the United States exercises the power of sovereignty, while the canal contemplated by the treaty was to be built on alien soil and, therefore, the Hay-Pauncefote treaty is wholly inapplicable.

I shall not at this time attempt to trace the history of the numerous efforts made from time to time during the past century to construct an interoceanic canal. It will be remembered that in 1903 the Republic of Panama ceded to the United States in perpetuity a tract of territory 10 miles wide extending for 40 miles from the Atlantic to the Pacific Ocean. The Supreme Court of the United States, in *Wilson against Shaw* (204 U. S., 33), decided that the sovereignty of the United States over this tract, known as the Canal Zone, is the same as over any other part of the United States, and that was the specific concession made by the British Government in its second note of protest. It is part of our country. It is territory of the United States and constitutes part of our coast line. Unaided and alone, the United States built the canal through this zone and thus connected the two oceans. In the prosecution of this vast undertaking the United States has expended over \$400,000,000. Its construction by American enterprise on American soil at the expense of the American people is the greatest engineering achievement of this or any other age. Unselfishly we offer its advantages to all the nations of the world. It is estimated that it will cost the United States not less than \$5,000,000 annually for the maintenance and operation of the canal, and upward of \$10,000,000 annually for its military defense, which, together with \$12,000,000 annual interest upon the original investment, will make an annual charge of \$27,000,000.

In our legislation two years ago Congress provided that the tolls should not exceed \$1.25 per ton, with lower rates for ships in ballast, and it has been estimated that for some years 10,000,000 tons will annually pass through the canal at an average of \$1 a ton, or \$10,000,000 annually. The canal will not, therefore, be self-sustaining, and the United States, the owner of the canal, will for a long period be required to suffer an annual loss of upward of \$17,000,000, which will be borne alone by the taxpayers of this country. In limiting the toll rate at

\$1.25 per ton, and in fixing the specific rate at \$1.20 under the presidential proclamation, pursuant to the statute, Congress was required to meet the competition of the Suez Canal, now controlled by Great Britain, the toll rates for that canal at the present time being \$1.20 per ton. It was not possible, therefore, to fix a toll rate on a basis of securing a reasonable return upon the cost of construction and maintenance.

In the legislation referred to Congress did not discriminate between American and foreign vessels engaged in over-seas trade. American vessels engaged in foreign trade are required to pay the same tolls that are paid by foreign vessels. Congress, however, did provide that American coastwise vessels shall be exempt from the payment of tolls.

The right to make this exemption has been challenged by the British Government, and the claim has been made that the exemption constitutes a violation of the Hay-Pauncefote treaty. There will be a subsequent reference to the details of this treaty. For the present it is sufficient to state that it is urged on behalf of Great Britain that under its terms vessels of all nations, including American "vessels of commerce and of war," are to be treated alike with respect to toll charges.

If we assume that this interpretation of the Hay-Pauncefote treaty is the correct one, it would nevertheless follow that the exemption of coastwise vessels can not constitute a violation of any of its provisions. Under international law the word "vessels" when used in a treaty, unless the contrary meaning is clearly apparent, refers only to vessels engaged in international or over-seas trade. It does not relate to vessels engaged in local or domestic trade. The words "vessels of a nation" have received among commercial countries their own interpretation by long custom and acquiescence, and are accepted as embracing only such vessels as ply between one foreign country and another, so that in the negotiation of treaties the contracting parties never have in contemplation coastwise vessels of either country. This principle is not only sanctioned by the usages of Great Britain and the United States, but has been distinctly recognized by the Supreme Court of the United States.

In the treaty of commerce and navigation which was concluded with Great Britain on July 3, 1815, six months after the treaty of Ghent, it is provided on behalf of Great Britain that—

No higher or other duties or charges shall be imposed in any ports of Great Britain on vessels of the United States than those payable in the same ports by vessels of Great Britain.

Notwithstanding this provision as to equality in the treatment of ships, Great Britain for upward of 40 years after the adoption of the treaty of 1815 openly discriminated in favor of her coastwise shipping. Great Britain changed her policy under the treaty of 1815 only in recent years, when she opened her coastwise trade to the vessels of other nations.

The propriety of Great Britain's preferential treatment of her coastwise shipping under the treaty was never questioned. We pursued the same course regarding our coastwise shipping, and our right to do so was expressly affirmed by the decision of the Supreme Court of the United States in the case of *Olsen against Smith* (195 U. S., 332). In that case, the owner of a British vessel entering the port of Galveston protested against the payment of pilotage charges on the ground that American coastwise vessels being exempt from such charges, British vessels should also be exempt, and invoked the treaty of 1815, which provided on behalf of the United States that "no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States." This case reached our Supreme Court, which decided against the contention that the discrimination complained of constituted a violation of the treaty, and the court in an opinion by Chief Justice White said:

Nor is there merit in the contention that as the vessel in question was a British vessel coming from a foreign port, the State laws concerning pilotage are in conflict with the treaty between Great Britain and the United States, providing that "no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States." Neither the exemption of coastwise steam vessels from pilotage resulting from the law of the United States nor any lawful exemption of coastwise vessels created by the State law concerns vessels in the foreign trade and therefore any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade. In substance, the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even although such regulations apply, without discrimination, to all vessels engaged in such foreign trade, whether domestic or foreign.

Great Britain's uniform practice under the treaty of 1815 and her acquiescence in the interpretation placed upon that treaty by the Supreme Court of the United States establish her understanding as well as ours, that when the words "vessels

of commerce and of war" were used in the latter treaty they were not intended to embrace vessels engaged in coastwise trade. The contention that coastwise vessels do not fall within the contemplation of treaty obligations finds further support in the British note of July 8, 1912, which contains the first objection made by Great Britain and which seems to have been induced by the fear that all American vessels, including those engaged in foreign trade, were to be exempt from the payment of tolls in the canal. In that note, after pointing out objections to the exemption of all American vessels, the British Government stated:

If the trade should be so regulated as to make it certain that only bona fide coastwise traffic, which is reserved for the United States vessels, would be benefited by this exemption, it may be that no objection could be taken.

It alluded to the possible difficulty of confining such vessels to strictly coastwise trade, but it distinctly recognized the principle for which the American Government contended, and this concession has never been withdrawn by the British Government. Only American vessels are engaged in American coastwise trade, and the provisions of the Panama Canal act make it clear that the exemption is to be restricted to vessels engaged in that trade, and that there will be no difficulty in confining the exemption to vessels devoting themselves exclusively to the coastwise trade was made clear by abundant and satisfactory evidence given before the committee in its recent hearings, and notably by the evidence of Mr. Chamberlain, the Commissioner of Navigation, who said, in substance, that there would be no difficulty in so administering the law that the ships in the coastwise trade would be confined strictly to the coastwise trade and therefore come within the recognition contained in the British note of July 8, 1912.

As foreign vessels are not permitted to compete with American vessels in this trade, it can not be claimed that the exemption of coastwise traffic works a discrimination against foreign ships. As held in *Olsen against Smith*, supra, the exemption of coastwise vessels does not concern vessels in the over-seas trade and therefore can work no discrimination against British vessels engaged in the foreign trade. There can be no discrimination where there is no competition. Moreover, the phrase "vessels of commerce" is not applicable, for another reason, to vessels that ply between domestic ports. There is a manifest distinction between vessels of commerce and "coastwise trade." Wharton's Law Dictionary, a British authority, defines commerce as:

The intercourse of nations in each other's produce and manufactures in which the superfluities of one are given for those of another and are the reexchange with other nations for mutual wants. There is a distinction between commerce and trade. The former relates to our dealings with foreign nations, colonies, etc.; the latter to mutual dealings at home.

Now I am quoting from British authority which marks the distinction between commerce and trade and the consequent distinction between vessels of commerce and vessels in trade, one being international and the other being purely local.

In the *Encyclopædia Britannica* and the *International Encyclopedia* commerce is defined as—

Commerce. In its general acceptance a term denoting international traffic in goods or what constitutes the foreign trade of all countries as distinguished from domestic trade.

A "vessel of commerce" is therefore a vessel engaged in international trade. The treaty speaks of "vessels of commerce and of war." The two classes of vessels referred to would necessarily exclude vessels that are neither vessels of commerce nor vessels of war. And for the reasons indicated the treaty excludes vessels engaged in the coastwise or domestic trade. They are not vessels of commerce within the authorities cited.

It follows, therefore, that the criticism of Congress for exempting coastwise vessels is not well founded, and that the law as enacted is supported by reason and precedent. The justice of our position is recognized by that portion of the English public that is not blinded by prejudice and cupidity. The *Guardian*, an influential newspaper published at Manchester, England, expressed itself as follows:

The amendment limiting the exemption from tolls to coastwise traffic is important for this reason: By the American navigation laws (as by all navigation laws) coastwise traffic is reserved to American registered ships. As none but American ships can make a voyage, say, between San Francisco and New York, there can be no question of discrimination against other ships. This coastwise traffic was an American monopoly before the Hay-Pauncefote treaty, and a monopoly it remains, for no one has alleged that the treaty suspends the navigation laws—

That claim has not been made yet, but grant this concession and the time is not far distant when you will have to consider it in this body—

As America retains the monopoly, we fail to see how any question of discrimination can arise against a second party who does not exist, so far as coastwise traffic is concerned. The real grievance against the bill in its amended form is not against its morality, but something

much narrower. It may with fairness be said that the American definition of coastwise traffic is so wide that it includes practically all American shipping. An American vessel may leave San Francisco, touch at Hawaii in the Pacific, double Cape Horn, call at Porto Rico, and finally discharge its cargo at New York without ever losing its coastwise character. Our foreign office, when it concluded the Hay-Pauncefote treaty, should have foreseen this practical difficulty, and it could then with reason have pressed for the restriction of the American definitions of coastwise traffic to those limits which hold in European courts. There may still be a chance of so restricting the definition of coastwise traffic, and every effort should be made to use it. But if we are to hope for success we must at any rate give the United States Congress the credit for wanting to do the right thing. We must not begin to call names or stir up passion.

This is a suggestion that might be heeded by American as well as British critics of the provisions of the Panama Canal act of 1912.

Ex-President Roosevelt, in whose administration the Hay-Pauncefote treaty was adopted, justifies the exemption in the following language:

I believe that the position of the United States is proper as regards this coastwise traffic. I think that we have the right to free bona fide coastwise traffic from tolls. I think that this does not interfere with the rights of any other nation, because no ships but our own can engage in coastwise traffic, so that there is no discrimination against other ships when we relieve the coastwise traffic from tolls. I believe that the only damage that would be done is the damage to the Canadian Pacific Railway. \* \* \* I do not think that it sits well on the representatives of any foreign nation \* \* \* to make any plea in reference to what we do with our own coastwise traffic, because we are benefiting the whole world by our action at Panama, and are doing this where every dollar of expense is paid by ourselves. In all history I do not believe you can find another instance where as great and expensive a work as the Panama Canal, undertaken not by a private corporation but by a nation, has ever been as generously put at the service of all the nations of mankind.

The Panama Canal bill, as it passed the House of Representatives in June, 1912, contained the exemption of coastwise vessels. The Senate Committee on Interoceanic Canals amended the bill so as to extend the exemption to American vessels engaged in over-seas trade. The protest of the British Government and the concession that the exemption of coastwise trade would be unobjectionable largely influenced the Senate in rejecting the amendment proposed by the Senate committee and confining the exemption to the coastwise trade as provided in the House bill. In view of the concession of the British Government it may well excite surprise that this question still remains the subject of controversy. Having conceded that objection does not lie against the coastwise trade exemption, it is difficult to find a reason for the continued agitation of the subject or for the unfounded assertion so frequently made that the exemption constitutes a violation of the treaty. I think these considerations to which I have asked your attention clearly establish that coastwise vessels do not come within the contemplation of the treaty, and that this was conceded by Great Britain. This disposes of my first contention.

Now, let me direct the attention of the Senate to my second proposition, namely, that there is no violation of the treaty even if it be held to apply to our coastwise shipping. In other words, I contend that the treaty imposes no restraint on the United States respecting the regulation of American shipping in its use of the canal.

On December 12, 1846, the United States made a treaty with the Republic of Colombia, then New Granada, under which the United States acquired a right to construct a canal or railway at Panama. Three years later, in 1849, the United States entered into negotiations with Nicaragua for the construction of a canal across Nicaragua. Great Britain, however, sought to control the American Isthmus, as she had already secured control of both ends of the proposed Suez Canal. She had been seizing territory on one pretext or another along the coast, and assumed a protectorate over a tribe of Indians known as the Mosquito Indians, who dwelt on the eastern coast of Nicaragua. It has never been seriously claimed that Great Britain had any title to this land. It was Spanish territory down to the time of the establishment of the Republic of Nicaragua, and thereafter was part of the soil of Nicaragua.

We had concluded our Mexican War and appealing to our supposed necessities, Great Britain insisted upon participating in the control of any canal that might be built at that point. Under the Monroe doctrine it was not necessary for the United States to ask the consent of any foreign power to carry on such an undertaking. As I have said, we had already secured canal rights in the Republic of Colombia without the consent of Great Britain, but the unwarranted intervention of Great Britain nevertheless resulted in the Clayton-Bulwer treaty of 1850, which marks one of the most dismal pages of our diplomatic relations.

At this point I ask leave to insert in my remarks the Clayton-Bulwer treaty, which I shall not read.

The PRESIDING OFFICER (Mr. HITCHCOCK in the chair). Without objection, permission to do so is granted.

The treaty referred to is as follows:

CLAYTON-BULWER TREATY OF APRIL 19, 1850.

The United States of America and Her Britannic Majesty, being desirous of consolidating the relations of amity which so happily subsist between them, by setting forth and fixing in a convention their views and intentions with reference to any means of communication by ship canal which may be constructed between the Atlantic and Pacific Oceans by the way of the river San Juan de Nicaragua and either or both of the lakes of Nicaragua or Managua, to any port or place on the Pacific Ocean, the President of the United States has conferred full powers on John M. Clayton, Secretary of State of the United States, and Her Britannic Majesty on the Right Honorable Sir Henry Lytton Bulwer, a member of Her Majesty's most honorable privy council, knight commander of the most honorable Order of the Bath, and envoy extraordinary and minister plenipotentiary of Her Britannic Majesty to the United States, for the aforesaid purpose; and the said plenipotentiaries having exchanged their full powers, which were found to be in proper form, have agreed to the following articles:

ARTICLE I.

The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have to or with any State or people, for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection, or influence that either may possess with any State or Government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

ARTICLE II.

Vessels of the United States or Great Britain traversing the said canal shall, in case of war between the contracting parties, be exempted from blockade, detention, or capture by either of the belligerents; and this provision shall extend to such a distance from the two ends of the said canal as may hereafter be found expedient to establish.

ARTICLE III.

In order to secure the construction of the said canal, the contracting parties engage that if any such canal shall be undertaken upon fair and equitable terms by any parties having the authority of the local Government or Governments through whose territory the same may pass, then the persons employed in making the said canal, and their property used, or to be used, for that object, shall be protected, from the commencement of the said canal to its completion, by the Governments of the United States and Great Britain, from unjust detention, confiscation, seizure, or any violence whatsoever.

ARTICLE IV.

The contracting parties will use whatever influence they respectively exercise with any State, States, or Governments possessing or claiming to possess any jurisdiction or right over the territory which the said canal shall traverse, or which shall be near the waters applicable thereto, in order to induce such States or Governments to facilitate the construction of the said canal by every means in their power. And, furthermore, the United States and Great Britain agree to use their good offices, wherever or however it may be most expedient, in order to procure the establishment of two free ports, one at each end of the said canal.

ARTICLE V.

The contracting parties further engage, that when the said canal shall have been completed, they will protect it from interruption, seizure, or unjust confiscation, and that they will guarantee the neutrality thereof, so that the said canal may forever be open and free, and the capital invested therein secure. Nevertheless, the Governments of the United States and Great Britain, in according their protection to the construction of the said canal, and guaranteeing its neutrality and security when completed, always understand that this protection and guarantee are granted conditionally, and may be withdrawn by both Governments, or either Government, if both Governments, or either Government, should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this convention, either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other, or by imposing oppressive exactions or unreasonable tolls upon the passengers, vessels, goods, wares, merchandise, or other articles. Neither party, however, shall withdraw the aforesaid protection and guarantee without first giving six months' notice to the other.

ARTICLE VI.

The contracting parties in this convention engage to invite every State with which both or either have friendly intercourse to enter into stipulations with them similar to those which they have entered into with each other, to the end that all other States may share in the honor and advantage of having contributed to a work of such general interest and importance as the canal herein contemplated. And the contracting parties likewise agree that each shall enter into treaty stipulations with such of the Central American States as they may deem advisable, for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication between the two oceans for the benefit of mankind, on equal terms to all, and of protecting the same; and they also agree, that the good offices of either shall be employed, when requested by the other, in aiding and assisting the negotiation of such treaty stipulations; and should any differences arise as to right or property over the territory through which the said canal shall pass between the States or Governments of Central America, and such differences should in any way impede or obstruct the execution of the said canal, the Governments of the United States and Great Britain will use their good offices to settle such differences in the manner best suited to promote the interests of the said canal, and to strengthen the bonds of friendship and alliance which exist between the contracting parties.

ARTICLE VII.

It being desirable that no time should be unnecessarily lost in commencing and constructing the said canal, the Governments of the United States and Great Britain determine to give their support and encouragement to such persons or company as may first offer to commence the same, with the necessary capital, the consent of the local authorities, and on such principles as accord with the spirit and intention of this convention; and if any persons or company should already have, with any State through which the proposed ship canal may pass, a contract for the construction of such canal as that specified in this convention, to the stipulations of which contract neither of the contracting parties in this convention have any just cause to object, and the said persons or company shall moreover have made preparations, and expended time, money, and trouble, on the faith of such contract, it is hereby agreed that such persons or company shall have a priority of claim over every other person, persons, or company to the protection of the Governments of the United States and Great Britain, and be allowed a year from the date of the exchange of the ratifications of this convention for concluding their arrangements, and presenting evidence of sufficient capital subscribed to accomplish the contemplated undertaking; it being understood that if, at the expiration of the aforesaid period, such persons or company be not able to commence and carry out the proposed enterprise, then the Governments of the United States and Great Britain shall be free to afford their protection to any other persons or company that shall be prepared to commence and proceed with the construction of the canal in question.

ARTICLE VIII.

The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owing the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

ARTICLE IX.

The ratifications of this convention shall be exchanged at Washington within six months from this day, or sooner if possible.

In faith whereof we, the respective plenipotentiaries, have signed this convention and have hereunto affixed our seals.

Done at Washington the nineteenth day of April, anno Domini one thousand eight hundred and fifty.

JOHN M. CLAYTON, [L. S.]  
HENRY LYTTON BULWER, [L. S.]

Mr. O'GORMAN. Mr. President, a careful reading of this instrument discloses a design on the part of Great Britain to prevent the United States from building, or acquiring control over, an interoceanic canal until it suited the purpose or convenience of the British Government. Under the provisions of the treaty neither the United States nor Great Britain could acquire the exclusive control over the canal, and neither Government was to erect or maintain any fortifications commanding the same, or occupy, fortify, or colonize, or assume any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America. These were the only self-denying clauses of the treaty. Neither country undertook to build the canal, but they agreed that in the event of a canal being constructed they would offer it their protection, provided the owner of the canal established reasonable and equitable rates. The self-denying clause of this treaty never embraced Panama; it never embraced Colombia; it never embraced New Granada; and did not affect the rights which the United States secured under the treaty of 1846 to build a canal or railway at that point. While there may be a popular impression that Central America embraces Colombia or Panama, that impression is an erroneous one. That Central America embraces that part of this continent which lies between Mexico and Colombia before the revolution in Panama, and that it did not embrace Panama or Colombia, is made clear by some correspondence to which I shall call your attention.

It will be noted that the self-denying clauses of the treaty were confined in their operation to Central America, and, as stated by Mr. Clayton in his note of July, 1850, to the British ambassador—

the expression "Central America" was intended to, and does, include all the Central American States of Guatemala, Honduras, San Salvador, Nicaragua, and Costa Rica. There had recently existed a Republic called Central America composing these identical countries.

As stated by Lord Clarendon in his note to Ambassador Buchanan, under date of May 2, 1854:

It is generally conceded that the term "Central America"—a term of modern invention—could only appropriately apply to those States at one time united under the name of the "Central American Republic," and now existing as five separate Republics.

As I have remarked, Colombia was not one of those Republics, and the self-denying provision of the Clayton-Bulwer treaty imposed no restraint upon the United States respecting the con-

struction of a canal or a railway at Panama at any time since 1846.

I have already stated that under this treaty neither Government undertook to construct the canal. The canal was to be constructed by private persons or corporations, and when constructed, if the rates of traffic fixed by the owner were reasonable and just, in the judgment of the two Governments, they would offer the owners their joint protection. If the charges were not just and equitable, the United States and Great Britain would withhold their protection, and if such protection were tendered and accepted, it could be withdrawn by either country on giving six months' notice to the other if the owner of the canal failed to maintain reasonable rates of traffic.

It will be noticed that in article 8 of this treaty the contracting parties embodied a general stipulation whereby they agreed to extend their joint protection by future treaties to any other isthmian communication at Panama or Tehuantepec, whether by canal or railway, so long as the persons building the same charged fair and equitable rates, but not otherwise.

In this connection I should emphasize the fact that the provisions of the Clayton-Bulwer treaty were concluded really with the seventh article of that treaty, and the eighth article was a general declaration that in the future, by other treaties, agreements, and stipulations, they were prepared to extend a like protection to the builder of any canal or railway at Tehuantepec or Panama.

As I have said, a repudiation of exclusive control is confined to Central America under article 1 of the treaty provision, whereby both Governments agreed that neither would acquire exclusive control of a canal. Under the language of the treaty that self-denying provision is restricted to a canal constructed in Central America, and particularly at Nicaragua. The reference in article 8 to Tehuantepec and Panama does not extend the provisions of article 1, providing that neither Government will acquire exclusive control.

Great Britain asserted no rights in Panama. Her alleged rights under the Mosquito protectorate affected only the coast of Nicaragua, and this was the region where it was expected the canal would be constructed under the preceding provisions.

The provisions of article 8 in this treaty are executory and commit the signatories to no definite obligation capable of enforcement without further negotiations. If occasion arises, the purposes of article 8 are to be carried out in futuro by treaty stipulations. The conditions which may invite the extension of the joint protection of the two Governments under this article are that private persons will build a canal or railway and operate it on reasonable terms to be approved by the two Governments, with the further provisions that the canal or railway shall be open on equal terms to the citizens and subjects of both countries and such other nations as shall unite in the protection thereof. The protection is always conditional upon the rate charges being approved by both Governments. If either Government should disapprove the traffic rates the plan would fail, the protection would be withheld, and the provisions of article 8 would necessarily become inoperative. The same result would follow if the owner of the canal did not desire or refused to accept the protection of the two Governments.

In a note to Ambassador Lowell, under date of November 19, 1881, for communication to the British Government, Secretary Blaine said:

The clause in which the two Governments agree to make treaty stipulations for a joint protectorate for whatever railway or canal might be constructed at Tehuantepec or Panama has never been perfected. No treaty stipulations for the proposed end have been suggested by either party, although citizens of the United States long since constructed a railway at Panama and are now engaged in the same work at Tehuantepec. It is a fair presumption, in the judgment of the President, that this provision should be regarded as obsolete by the nonaction and common consent of the two Governments.

In a note to Ambassador Lowell, under date of May 8, 1882, Secretary Frelinghuysen calls attention to the fact—

that for 30 years the Panama Railway has been maintained without other protection than that of the United States and the local sovereign.

As I have pointed out, the entire treaty contemplates the building of a canal or railway by private persons who, in those disturbed sections, would probably need the protection of some stable government.

Articles 3, 7, and 8 refer to "the parties" and "the persons or company" constructing the canal or railway. It must be obvious that no protection would be required if either Government constructed the canal or railway at Panama, and in that event no question regarding the charges of traffic could arise. In fact, the language of article 8 could not apply to a canal or railway built by a government, and as we have seen, it was never invoked in behalf of the Panama Railway; and the United States under its treaty with New Granada in 1846 had the

same right to build a canal as to build a railway at that point. Its right in that respect was never impaired until by diplomatic blunder the second Hay-Pauncefote treaty was agreed upon. In a word, both countries, under article 8, agreed to enter into further engagements looking to the joint protection of the private owners of a canal or railway that might be constructed at Panama or Tehuantepec.

The United States was influenced, in part, to enter into the Clayton-Bulwer treaty on the representation that British capital would promote the enterprise. The capital was never supplied. The construction of the canal under the treaty was never undertaken, and the treaty itself was a never-ending source of dispute and controversy. Great Britain's alleged protectorate over the Indian tribe, consisting of three or four thousand savages, was all that she yielded for the execution of this treaty, and this alleged protectorate was something she did not actually possess in her own right. The Indian tribe had no independent sovereignty, and had not asserted nor proclaimed its independence of Nicaragua. There was, therefore, no basis for the protectorate and, as stated by Mr. Bayard, when he was Secretary of State in 1888, "The English act was a mere usurpation."

Notwithstanding the stipulation of the Clayton-Bulwer treaty, that neither nation was to erect or maintain any fortification or occupy or fortify or colonize or assume any dominion over Nicaragua and the other countries named, Great Britain continued to maintain her alleged protectorate over the Mosquito Indians, and retained her occupation of the mouth of the San Juan River, and continued to enlarge her colony at Belize for more than 10 years after the adoption of the treaty. During this period the United States made repeated protests against Great Britain's violations of the treaty obligations without avail.

Finally, by a treaty made between Great Britain and Nicaragua on January 28, 1860, Great Britain agreed that her dominion in Nicaragua and her protectorate over the Mosquito Indians should expire six months after the ratification of that treaty, which did not occur until August, 1860. It will be observed that by this treaty Great Britain merely promised to do what she had undertaken to do 10 years earlier in the Clayton-Bulwer treaty. The record, therefore, establishes beyond dispute that for 10 years after 1850, Great Britain persistently violated and disregarded the provisions of the Clayton-Bulwer treaty. There were other equally flagrant violations of the treaty by Great Britain, and as no steps were taken to build the canal, the instrument in time was regarded as abandoned and obsolete. In treaties, as in other contracts, breaches by one of the contracting parties work an abrogation of the instrument at the election of the aggrieved party.

As I have remarked, nothing was done with a view to the construction of the canal contemplated by the treaty of 1850. There were repeated, persistent violations of the treaty by Great Britain, and her refusal to grant redress when objection was made by our State Department led our people in time to look upon the entire project as abandoned.

Years afterwards interest in an interoceanic canal was revived, and in 1869 President Grant sent a message to Congress recommending the construction of an isthmian canal under the sole control of the United States.

In 1877, President Hayes, in his message to Congress, declared that—

the policy of this country is a canal under American control. The United States can not consent to the surrender of this control to any European power, and that such a canal shall be virtually part of the coast line of the United States.

President McKinley, in his second message to Congress, declared that—

the construction of such a maritime highway is now more than ever indispensable to the intimate and ready intercommunication between our eastern and western seaboard, and our national policy now more imperatively than ever calls for this control by this Government.

Whatever had been the views of the United States in the early days regarding a divided control over an isthmian canal, this declaration of President McKinley in 1900 crystallized the sentiment of the American people at that time.

John Hay, then Secretary of State, had been ambassador to Great Britain, and notwithstanding the abandonment of the Clayton-Bulwer treaty, he urged that we enter into a new treaty, so that the old one of 1850 might be formally terminated. His negotiations resulted in the first Hay-Pauncefote treaty of 1900, which reads as follows:

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, and to that end to remove any objection which may arise out of the convention of April 19, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal

under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in Article VIII of that convention, have for that purpose appointed as their plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States of America.

And Her Majesty the Queen of Great Britain and Ireland, Empress of India, the Right Hon. Lord Pauncefote, G. C. B., G. C. M. G., Her Majesty's ambassador extraordinary and plenipotentiary to the United States;

Who, having communicated to each other their full powers, which were found to be in due and proper form, have agreed upon the following articles:

#### ARTICLE I.

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present convention, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

#### ARTICLE II.

The High Contracting Parties, desiring to preserve and maintain the "general principle" of neutralization established in Article VIII of the Clayton-Bulwer Convention, which convention is hereby superseded, adopt, as the basis of such neutralization, the following rules, substantially as embodied in the convention between Great Britain and certain other powers, signed at Constantinople October 29, 1888, for the free navigation of the Suez Maritime Canal, that is to say:

1. The canal shall be free and open, in time of war as in time of peace, to the vessels of commerce and of war of all nations, on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic, or otherwise.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay, in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible despatch.

5. The provisions of this article shall apply to waters adjacent to the canal, within three marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than twenty-four hours at any one time except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within twenty-four hours from the departure of a vessel of war of the other belligerent.

*It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections numbered one, two, three, four, and five of this article shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order.*

6. The plant, establishment, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this convention, and in time of war as in time of peace shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

7. No fortifications shall be erected commanding the canal or the waters adjacent. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

#### [ARTICLE III.]

[The High Contracting Parties will, immediately upon the exchange of the ratifications of this convention, bring it to the notice of the other powers and invite them to adhere to it.]

#### ARTICLE IV.

The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratifications shall be exchanged at Washington or at London within six months from the date hereof, or earlier if possible.

In faith whereof the respective plenipotentiaries have signed this convention and thereunto affixed their seals.

Done in duplicate at Washington the 5th day of February in the year of our Lord one thousand nine hundred.

JOHN HAY,  
PAUNCEFOTE.

(Amendments appear in italics. Article III was stricken out by Senate.)

This treaty was deemed objectionable when it came before the Senate for ratification. It did not abrogate the Clayton-Bulwer treaty, but merely extended it. Moreover, it provided that the "high contracting parties," namely, the United States and Great Britain, would establish the rules regulating the use of the canal and maintain its neutralization. That is, the United States would build the canal but Great Britain was to be a partner in its management. By this language Great Britain sought to preserve the joint control provided for by the Clayton-Bulwer treaty. It also prohibited the fortification of the canal.

The Senate endeavored to improve the treaty by amendments. It inserted a clause providing that the Clayton-Bulwer treaty was superseded; also that none of the rules numbered 1, 2, 3, 4, and 5 should apply to measures which the United States might find necessary to take for securing by its own forces the defense of the United States and the maintenance of public order.

The Senate also struck out the provision in article 3 permitting other powers to join in the treaty. The British Government refused to approve this treaty as amended by the Senate, and it was consequently abandoned. Under date of December 4, 1901, the second Hay-Pauncefote treaty was submitted to the Senate and ratified. It read as follows:

The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer Treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in Article VIII of that convention, have for that purpose appointed as their plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States of America;

And His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, the Right Honorable Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's Ambassador Extraordinary and Plenipotentiary to the United States;

Who, having communicated to each other their full powers, which were found to be in due and proper form, have agreed upon the following articles:

#### ARTICLE I.

The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

#### ARTICLE II.

It is agreed that the canal may be constructed under the auspices of the Government of the United States either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

#### ARTICLE III.

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the Convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance in the transit, and in such case the transit shall be resumed with all possible despatch.

5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than twenty-four hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within twenty-four hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war as in time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

#### ARTICLE IV.

It is agreed that no change of territorial sovereignty or of international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

#### ARTICLE V.

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

In faith whereof the respective plenipotentiaries have signed this treaty and hereunto affixed their seals.

Done in duplicate at Washington, the 18th day of November, in the year of our Lord one thousand nine hundred and one.

JOHN HAY. [SEAL.]  
PAUNCEFOTE. [SEAL.]

This treaty differs from the first Hay-Pauncefote treaty in several respects. The prohibition against fortification is eliminated. Under article 1, the Clayton-Bulwer treaty is expressly superseded and terminated. The rules that are to regulate the government of the canal are to be adopted by the United States alone, and the burden of maintaining the neutralization of the canal necessarily falls upon the United States alone.

The reference to the "general principle" of neutralization in the preamble is, in a strict sense, no part of the treaty. It

merely indicates the reason or the occasion for making it. A preamble can not of itself confer any power. In the construction of statutes the title or preamble can not restrain or extend the import of the enacting clause. It can not be permitted to introduce doubt or uncertainty where otherwise none would exist. Moreover, article 8 of the Clayton-Bulwer treaty, referred to in the preamble, treats of a joint protection. The only reference to neutralization in that treaty is found in article 5.

The canal referred to in the first Hay-Pauncefote treaty was the same canal described in the Clayton-Bulwer treaty, namely, a canal to be constructed at Nicaragua.

Senators, this is important in reference to the plea which we have heard so frequently that Great Britain gave up some valuable right. She never had a right in Panama until it was conferred upon her by the second Hay-Pauncefote treaty. The restraint exercised by Great Britain was enlarged in the second Hay-Pauncefote treaty by extending the treaty to any canal "by whatever route may be considered expedient." This modification was made so as to embrace Panama, and the concession can not be defended as a wise one, inasmuch as the right of the United States to construct a canal at that point without the consent of Great Britain was not affected by the Clayton-Bulwer treaty. This diplomatic blunder can be explained only upon the theory that our negotiators did not know that Panama was not part of Central America in 1850, although the records of the State Department would have disclosed that fact, and the same information might have been ascertained in any encyclopedia.

The new treaty contains a further provision found in article 4 that the general principle of neutralization or the obligation of the contracting parties shall not be affected by any change of territorial sovereignty of the country traversed by the canal. The meaning of this provision is that the rights of the parties shall not be affected by a change in the sovereignty which may occur after the canal is constructed. It can have no application to a condition such as prevails here where the canal was constructed on territory of the United States, even though acquired after the execution of the treaty. If sovereignty had been acquired by the United States after the construction of the canal, then this provision would be applicable.

Subdivision 1 of article 3 is the provision of the treaty which is the basis of the controversy and under which the supporters of the British contention claim that the expression "all nations observing these rules" embraces the United States, overlooking the obvious distinction between the nation that makes, establishes and promulgates the rule and the nations that observe the rule.

In other words, it is said that Great Britain and other nations have the same rights to the use of the canal that the United States has. If that be so, what compensation does the United States derive from the investment of \$400,000,000 and for the \$17,000,000 annual deficit in the operation of the canal? The United States must have some rights not enjoyed by other nations, because it is declared that the United States shall have all the rights incident to the construction as well as the exclusive right of regulation and management. What can these rights be if they are not rights of ownership and control, subject only to the permission of other nations to make use of the canal on such terms as the United States may impose?

What discrimination is there among the nations so using the canal by permission of the United States if all are treated alike? If you accept the British view, what are the rights we possess incident to the construction?

What is our status? Do we own the canal, or are we only an international caretaker, with no special privilege except to foot the bills and to maintain a sufficient military force to defend the canal and preserve its neutrality? Did we engage in this great undertaking primarily for the United States, and incidentally for the rest of the world, or primarily for the world, without any particular advantage to the United States? Is our only reward the glory of the achievement? In all the history of recorded time did any nation ever act so improvidently as we have acted, according to the views of the British advocates? If we entered into a contract such as is claimed by Great Britain, where were the men whose duty it was to protect the rights of the American people? The British contention is so shocking to one's sense of justice, so abhorrent to every principle of equality and morality, that it needs more to establish it than the doubtful, ambiguous, and highly technical interpretation which is the sole reliance of those who defend the British pretensions. The clearest and most persuasive proof is required to destroy rights of sovereignty, and that we are sovereign in the Panama Canal has been decided by the Supreme Court of the United States, and is expressly recognized by the British Government in its second note of protest. It will be noted that under article 3 the

United States adopts six rules and provides that the canal shall be free and open to "vessels of commerce and of war" of all nations observing these rules on terms of entire equality.

The first rule provides for equitable charges of traffic.

The second prohibits acts of war within the canal.

The third prohibits any vessel of war of a belligerent taking on stores in the canal.

Under rule 4, no belligerent shall embark or disembark troops in the canal.

Under rule 5, vessels of war of a belligerent shall not remain in waters adjacent to the canal longer than 24 hours, and that a vessel of war of one belligerent shall not depart within 24 hours of the departure of a vessel of the other belligerent.

The sixth rule provides that the building and accessories of the canal shall enjoy immunity from attack or injury by belligerents.

The rules apply to vessels of war as well as to vessels of commerce. If one rule applies, all apply. Under the terms of the treaty Great Britain, Germany, Russia, Japan, or any other foreign nation can not blockade the canal or exercise any act of war or commit any act of hostility within it; but will it be said that the United States can not close the canal when necessary for the security of our people and the protection of our coasts? As I shall show later on, our right to close the canal and exercise acts of war within it is recognized by the British Government, but I am now seeking the meaning of the language employed in the treaty.

A foreign battleship must pay toll, but it surely never was intended that an American battleship must pay toll passing through our own canal. To whom would it be paid? Must the United States charge itself and at the same time receive payment of a toll on its own ships of war going through its own canal? In the pursuit of an enemy, must the progress of an American battleship be arrested in the canal until its commander pays dues or tolls to the American officers in charge? Can this be seriously contended? If toll must be paid by an American ship of commerce, then toll must be paid by an American battleship, because section 1 of article 3 applies to "vessels of commerce and of war." Where the rule is operative, it affects both classes of ships. Vessels of war of a belligerent must not be revictualled or take on stores in the canal nor shall any right of war be exercised within it. They must not embark or disembark munitions of war or warlike material. Will it be claimed that it was intended that these provisions should also apply to the United States? In considering treaties we must seek the intention of the parties, and if the British interpretation were deemed possible, can it be believed that the treaty would ever have been adopted or ratified by the United States Senate?

Vessels of war of belligerents shall not remain in the canal or waters adjacent longer than 24 hours at one time, and the vessels of war of one belligerent shall not depart within 24 hours of the enemy. Must we observe this rule in time of war? For it must be remembered that the rule that treaties are suspended in time of war has no application to this treaty which, by its terms, applies in time of war as well as in time of peace. If the fleet of an enemy seeks passage through the canal, must a fleet of the United States wait 24 hours until it resumes the pursuit of the foe? In such a case must the American forces at the canal maintain a neutral attitude instead of having our forts fire upon the ships of the enemy and destroy them? These are the inevitable consequences of the British contention. If the rule as to equality of tolls applies, then we are bound by all the other rules.

There are six rules, and, as I have said, if one applies to the United States all apply. Again the language: "So that there shall be no discrimination against any nation"; if we accept the British interpretation and hold the United States to be one of the "all nations," then we have the absurd situation of prohibiting our country from making charges that will discriminate against herself.

Note the words, "the nations observing these rules shall use the canal on terms of entire equality." How can an owner be on terms of entire equality with the mere grantee of a privilege? Where a foreign country fails to observe the rules, its ship will not be permitted to use the canal. Will it be claimed that the United States will be denied the use of the canal if it fails to observe the rules which it establishes?

Who would prohibit the United States from using the canal if it neglected to observe any of these rules? Who could prohibit the ships of the United States from using the canal? Was it ever contemplated by the negotiators that such a contingency could arise? The other nations, however, for whom the United States makes these rules, do stand on an entire equality, and it is to them that the term "all nations" refers.

That the British Government at the time the second Hay-Pauncefote treaty was negotiated understood that it was our purpose to retain the exclusive control over the canal, and that Great Britain was willing to consent thereto, is apparent from the notes of the conference between Secretary Hay and Lord Lansdowne. After the words, "the canal shall be free and open to the vessels of commerce and of war of all nations," Lord Lansdowne proposed to add "which shall agree to observe these rules"; and further on the words "so agreeing," after the clause declaring "that there shall be no discrimination against any nation," and so forth, so that it would read: "That there shall be no discrimination against any nation so agreeing to observe these rules." It is plain that the nations "which shall agree to observe these rules" and "so agreeing" could not embrace the United States, because it was the United States with whom the other nations would agree.

Secretary Hay objected to this suggestion and stated that there would be opposition "because of the strong objection to inviting other powers to become contract parties to a treaty affecting the canal." He suggested, as a substitute for Lord Lansdowne's amendment, that "the canal shall be free and open to all nations observing these rules," and instead of "any nation so agreeing" he proposed "any such nation." I beg the attention of Senators to this language. Lord Lansdowne accepted this amendment, which he declared "seemed to be equally efficacious for the purpose which we had in view, namely, to insure that Great Britain should not be placed in a less advantageous position than other powers, while they stopped short of conferring upon other nations a contractual right to use the canal.

The nations, therefore, with which Great Britain was to enjoy equal rights were the nations which had no contractual rights in the canal, and it is apparent that Lord Lansdowne did not regard the United States as embraced in this class.

These views are strengthened by the declarations made by Lord Lansdowne in his conference with Ambassador Choate regarding the treaty. In the letter of Ambassador Choate to Secretary Hay, under date of October 2, 1901, the ambassador states, speaking of Lord Lansdowne, with whom he was negotiating the treaty: "He has shown an earnest desire to bring to an amicable settlement, honorable alike to both parties, this long and important controversy between the two nations. In substance, he abrogates the Clayton-Bulwer treaty and gives us an American canal, ours to build as and where we like; to own, control, and govern, on the sole condition of its always being neutral and free for the passage of the ships of all nations on equal terms, except that if we get into a war with any nation we can shut its ships out and take care of ourselves."

Nothing could be clearer from this statement than that the prohibitions against blockade and acts of hostility in the canal were not intended to apply to the United States. As Lord Lansdowne stated:

If we get into war with any nation we can shut its ships out and take care of ourselves.

If the other rules were not to apply to the United States, and it must be clear that they do not, rule 1 can not be held applicable without violating every principle of construction.

In Ambassador Choate's note to Secretary Hay under date of August 16, 1901, again speaking of Lord Lansdowne, Mr. Choate states: "He recognizes our desire to reserve the power of taking measures to protect the canal at any time when we are engaged in war"; that "contingencies may arise when it might be of supreme importance to the United States that they should be free to adopt measures for the defense of the canal at a moment when they were themselves engaged in hostilities," and "the necessity" and, of course, "the right of the United States to interfere temporarily with the free use of the canal by the shipping of another power."

That the words, "all nations," as used in section 1 of article 3 did not embrace the United States is again made clear by two statements—one made by Lord Lansdowne and the other by Lord Pauncefote, as communicated by Ambassador Choate to Secretary Hay in two notes—one under date of August 16, 1901, and the other under date of August 20, 1901. In the first note Ambassador Choate said:

Lord Lansdowne claims to desire only that the other nations, parting with nothing, should not be on a better footing with respect to the canal than Great Britain, who parts with so much, and that she shall not be bound by these stringent rules of neutrality while the others are not so bound.

Now, Senators, is it possible to have any doubt as to the meaning of this language? I repeat it:

Lord Lansdowne claims to desire only that the other nations, parting with nothing—

Surely he does not refer to the United States, because we have parted with more than all the rest, indeed we have parted with all that has been expended upon this enterprise—

Lord Lansdowne claims to desire only that the other nations, parting with nothing, should not be on a better footing with respect to the canal than Great Britain, who parts with so much, and that she shall not be bound by these stringent rules of neutrality while the others are not so bound.

Does it not appear from this note as well as from the preceding note, to which I called your attention, that at that time while negotiating the treaty England's only insistence was that she should have the same right as the other powers, which were contributing nothing to the enterprise?

Well, the other nations that part with nothing are not on a better footing than Great Britain. We are treating them all alike, but England now changes her position.

In the note of August 20, 1901, Ambassador Choate said, referring to a conference with Lord Pauncefote on the previous day:

I went over with him fully the two points which I had discussed with Lord Lansdowne and in my answer to you. He recognizes the full force of what I had to say as to the inexpediency of inserting the words, "which shall agree" and "so agreeing" in clause 1 of article 3, after the striking out by the Senate of article 3 in the Hay-Pauncefote treaty. He should emphatically favor omitting them, and thought his Government would assent to the omission; and he seemed to agree that making it read "all nations observing these rules," etc., would reach their object, which is that Great Britain and all other nations should be served alike and be on an equal footing as to obligation to observe the neutrality of the canal.

As the United States was required to maintain the neutrality of the canal, and as it was the only Government charged with that duty and responsibility, the obligation of observing the neutrality plainly rested upon the other nations that were permitted to use the canal with the consent of the United States. I submit that the reasonable interpretation of the language employed in the treaty and the declarations of the negotiators manifest a clear distinction between the rights of the United States and the permission granted to other nations to use the canal on terms of equality to be imposed by the United States.

In the proposed treaty with Colombia, known as the Hay-Herran treaty, in 1903, which was negotiated by Secretary Hay, vessels, troops, and munitions of war of Colombia were made exempt from the payment of tolls through the canal. In 1909, in the proposed treaty with Colombia negotiated by Secretary Root, a like provision was inserted. The proposal to exempt Colombia's ships was called to the attention of the British Government, and in a note to Secretary Root, January 11, 1909, Ambassador Reid quotes Sir Charles Hardinge of the British Foreign Office as follows, speaking of the pending Colombian treaty:

He said it was their duty to protest against any inequality in the treatment accorded foreign nations in the use of the canal, and that Colombia was now as much a foreign nation as any other.

This language would certainly imply the recognition of a distinction between the United States and "foreign nations."

In this connection it should also be noted that a similar exemption is contained in the treaty with Panama ratified in 1904 and acquiesced in by the British Government for many years. Not until the second note of protest regarding the exemption under the Panama Canal act of 1912 did the British Government intimate that the exemption to Panama in 1904 constituted a violation of our obligations. The pending Colombia treaty contains a similar exemption; but if the British contention prevails, the exemption must be denied the country that built the canal and which must bear the burden of maintaining it and defending its neutrality.

That the United States is not embraced in the expression, "all nations," and that we have the power under the treaty to relieve any part of American shipping from the payment of tolls, is the deliberate judgment pronounced by ex-President Taft, Philander C. Knox, ex-Secretary of State Richard Olney, Secretary of State under President Cleveland, and Senator Lodge, who conferred with Ambassador Choate in London during the treaty negotiations. In his message to Congress, under date of December 21, 1911, President Taft said:

I am very confident that the United States has the power to relieve from the payment of tolls any part of our shipping that Congress deems wise. We own the canal. It was our money that built it. We have the right to charge tolls for its use. These tolls must be the same to everyone; but when we are dealing with our own ships, the practice of many governments of subsidizing their own merchant vessels is so well established in general that a subsidy equal to the tolls, an equivalent remission of toll, can not be held to be a discrimination in the use of the canal. The practice in the Suez Canal makes this clear. The experiment in tolls to be made by the President would doubtless disclose how great a burden of tolls the coastwise trade between the Atlantic and the Pacific coast could bear without preventing its usefulness in competition with the transcontinental railroads. One of the chief reasons for building the canal was to set up this competition and to bring the two shores close together as a

practical trade problem. It may be that the tolls will have to be wholly remitted.

Senator Lodge, in a speech delivered in the Senate on April 9, 1914, said:

I was a member of the Foreign Relations Committee of the Senate which reported the amendments to the first Hay-Pauncefote treaty. I had some part in framing those amendments, and, owing to the death of Senator Davis, I was in charge of the treaty when, as amended, it was ratified by the Senate. It so chanced that I was in London when Mr. Choate and Lord Lansdowne were concluding the negotiations which resulted in the second Hay-Pauncefote treaty, and I was familiar with the discussions which then took place. When the second Hay-Pauncefote treaty was sent to the Senate it devolved upon me to report the treaty to the Senate. I mention these facts merely to show that I was in a position to be familiar with all the proceedings which ultimately resulted in the ratification of the second Hay-Pauncefote treaty. I took the view then that under the terms of the treaty of November 18, 1901, the United States was at liberty to exempt its own vessels of commerce from the payment of tolls if it saw fit to do so, and I voted against the Bard amendment, which made this right explicit, because I thought it needless. \* \* \* The opinion which I formed in 1901 as to our rights under the treaty I have never changed. I hold it now as I did 13 years ago.

Secretary Hay, in his statement to the Senate Committee on Foreign Relations, accompanying the second Hay-Pauncefote treaty, said:

The whole theory of the treaty is that it (the canal) is to be exclusively the property of the United States, and is to be managed, controlled, and defended by it. \* \* \* The United States alone is the sole owner of the canal and as a purely American enterprise adopts and prescribes the rules by which the use of the canal shall be regulated.

I commend those words to those Senators who are prone to speak of this waterway as an international canal when every President for 50 years who has spoken of it, nearly every Secretary of State who has had to deal with it, and the Secretary of State who negotiated this particular treaty invariably speak of it as an American canal, to be controlled and governed by the United States.

Ex-Secretary Olney, in his address read before the annual meeting of the American Society of International Law, in Washington, D. C., on April 25, 1913, said:

The single point is, are the words "all nations" inclusive or exclusive of the United States? It seems difficult to successfully contend that the United States is included.

(a) The treaty is a contract by which the proprietor of a canal fixes the terms upon which it grants the use of the canal to its customers.

(b) It was needed for that purpose only; it was not needed to fix the terms upon which the United States and its nationals—its cestui que trust—should use the canal, because its use, without tolls or otherwise, as the United States might choose, is a necessary incident of its ownership of the canal. It can not reasonably be argued that, in fixing the terms for the use of its canal by customers, the United States looked upon itself as one of the customers.

(c) The words "under construction" are in substance the first of a set of six rules adopted by the United States as the basis of the neutralization of the canal. But the other five certainly apply only to parties other than the United States, so that there is the strongest reason for holding that the first of them is to be given a like application. \* \* \* The principle is well settled that a State conveys away its rights of sovereignty or property only by terms which are clear and express and are not susceptible of any other reasonable construction. If the terms are vague and of doubtful import, the presumption is against the State's intention to part with or abridge its jurisdictional or property rights. \* \* \* In short, the treaty is an instrument by which the proprietor of a canal fixes and states the terms of use to its customers. There is an utter absence of evidence that the United States regarded itself as one of its customers.

With our legal and moral rights so well sustained how can we justify their abandonment to a nation concerning which President Buchanan said in his message of 1857:

Since the origin of the Government we have been employed in negotiating treaties with that power, and afterwards discussing their true intent and meaning.

I now invite your attention to my third proposition that treaties do not apply to changed conditions, and that therefore the Panama Canal is not burdened by the provisions of the Hay-Pauncefote treaty. It will be observed that the Hay-Pauncefote treaty was adopted in 1901, that it was the expectation of both nations that the canal would be built on foreign soil, and that for the protection of the canal it was distinctly stipulated that the rights of the parties would not be affected by any subsequent change of sovereignty of the territory over which the canal was constructed, that is, change of sovereignty after its construction.

At that time, as well as for 50 years before, the contemplated route was through the Republic of Nicaragua. Two years after the adoption of this treaty, we entered into a treaty with the Republic of Panama whereby it conferred upon the United States in perpetuity all the rights of sovereignty possessed by the Republic of Panama over this stretch of land of 40 miles from ocean to ocean. The doctrine is well established in international law that all treaty engagements are necessarily subject to the general understanding that they shall cease to be obligatory as soon as the conditions upon which they were exe-

cuted are essentially altered. Hall, a well-recognized British authority, declares in his work on international law, that—

neither party to a treaty can make its binding effect dependent at will upon conditions other than those contemplated at the moment when the contract was entered into; and, on the other hand, a contract ceases to be binding so soon as anything which formed an implied condition of its obligatory force at the time of its conclusion is essentially altered.

Mr. Oppenheimer, professor of international law in the University of Cambridge, in his work on international law, states that—

It is an almost universally recognized fact that vital changes of circumstances may be of such a kind as to justify a party in notifying an unnotifiable treaty. The vast majority of publicists, as well as all the Governments of the members of the family of nations, agree that all treaties are concluded under the tacit condition *rebus sic stantibus*.

Hannis Taylor, the American authority on international law, states the rule as follows:

So unstable are the conditions of international existence and so difficult is it to enforce a contract between States after the state of facts upon which it was founded has substantially changed, that all such agreements are necessarily made subject to the general understanding that they shall cease to be obligatory as soon as the conditions upon which they were executed are essentially altered.

England invoked this rule in her own defense when she was accused by the European powers with violation of the neutrality provisions of the Suez Canal convention. In a convention of the powers a protest was made against the action of Great Britain, and Lord Pauncefote, the joint author of the Hay-Pauncefote treaty, stated the position of Great Britain as follows:

Senators, apply this language to the conditions with which we are concerned:

That Egypt having become British territory since the construction of the canal and the agreement between the powers, Great Britain could not be bound by the neutrality provisions adopted, so far as they affected Egypt, because it was a recognized principle of international law that treaties are only operative so long as the basic or fundamental conditions upon which they are based continue, and that in the event of a fundamental change, such as a change of sovereignty of the soil, any nation which is a party to such treaty could honorably contend that it was inoperative as to her newly acquired territory.

This contention of Lord Pauncefote was upheld by the British Government, and England proceeded to fortify her newly acquired territory and continued to maintain it in a fortified condition, notwithstanding the neutrality provisions of the Suez Canal convention to the contrary. In her second note of protest Great Britain reluctantly concedes that—

now that the United States has become the practical sovereign of the canal His Majesty's Government do not question its title to exercise belligerent rights for its protection.

If the canal contemplated by the treaty had been constructed the United States, under the British interpretation, could not exercise belligerent rights. The concession that we may now enjoy belligerent rights recognizes a changed condition which makes the entire treaty inoperative. Where a vital change takes place in the conditions in reference to which a treaty is made international law does not permit one of the parties to the treaty to determine which of its provisions survive and which are extinguished. The treaty must stand or fall as a whole. Under the doctrine recognized by the British Government the treaty is inoperative as to the newly acquired territory of the United States, and the canal constructed on American territory at Panama is no more affected by the Hay-Pauncefote treaty than would be a canal built across any other part of the soil of the United States.

It is not disputed that when the treaty was negotiated both Governments assumed that the canal would be constructed on alien territory and not on the soil of the United States.

Our sovereignty over the territory in question being admitted, and it must be admitted, because it is conceded by Great Britain and determined by the Supreme Court of the United States, it must follow that the canal as constructed was not the canal contemplated by the Hay-Pauncefote treaty, and that the provisions of that instrument have, consequently, no relation to the undertaking. It is true that in the treaty which we made with the Republic of Panama it was stipulated that we would use the canal for the purposes stated in the Hay-Pauncefote treaty, but Great Britain was not a party to that treaty and its rights could not be impaired or enlarged by any provision of an instrument to which it was a stranger. At best, the reference to the Hay-Pauncefote treaty contained in our treaty with Panama was but an indication of a general purpose of neutralization which we were prepared to recognize in the operation of the canal. If we desired it, Panama could now relieve us of this promise and the world could not complain. That the provisions of the Hay-Pauncefote treaty were not deemed binding on the United States or on the Republic of Panama with respect to the canal actually constructed is apparent from the circumstance that in our treaty with Panama

we expressly exempt vessels of the Republic of Panama from the payment of tolls passing through the canal, notwithstanding the Hay-Pauncefote provisions as to the equality of treatment of all nations.

These considerations I submit amply justify the legislation enacted by Congress two years ago. The exemption of coastwise vessels from the payment of tolls may be supported on any one of the three grounds just asserted.

ECONOMIC PHASES.

Mr. President, I now desire to make a few observations regarding the economic phases of this legislation.

For more than 30 years the transcontinental railroads of the country used their powerful influence and resorted to every device to prevent the construction of an isthmian canal.

I do not believe that there is a Senator in this body who will have the temerity to deny the accuracy of that statement, that for 30 years the transcontinental railroads interposed every conceivable obstacle to the construction of a canal connecting the two oceans. Railroads dread water competition because that means cheaper railroad rates. No railroad ever secured control of a competing water line on this continent without destroying competition. Now that the canal is built, the same malign influence is endeavoring to minimize its service to the public.

It was recently reported by a committee of the House of Representatives that 92 per cent of the vessels engaged in coastwise trade are controlled by the railroads of the country, or shipping consolidations which are operated in defiance of the antitrust laws of the land. If these ships, backed by the power of railroads, were allowed to use the canal there would be an end to competition in transportation because, as Mr. Wilson said in his speech on August 15, 1912, "Railroads will not compete with themselves."

Judge Prouty, and Mr. Lane, now Secretary of the Interior, who were for many years members of the Interstate Commerce Commission, appeared as witnesses before the Inter-oceanic Canals Committee two years ago and gave it as their judgment, based on their knowledge and experience, that the only effective way to secure competition and prevent the railroads from making the canal a corporate asset was to exclude all railroad-controlled vessels.

By the act which the pending bill seeks to amend Congress not only prohibited railroad-controlled vessels from using the canal when in competition with the railroads, but conferred jurisdiction upon the Interstate Commerce Commission to compel railroads in all parts of the country to dispose of their interests in their competing water transportation lines.

It may be argued that proper competition could be secured by a reasonable regulation of rates by the Interstate Commerce Commission, but the regulation of rates can only serve to correct abuses after they develop and oppress the public, while the exclusion of railroad vessels from the canal is an absolute preventive of the abuse.

Moreover, it gives encouragement to independent shipbuilders to construct vessels to engage in the canal trade and thus develop an important American industry.

Exempting coast craft from the payment of tolls will reduce the cost of shipping through the canal to a minimum, and thereby compel competing roads in the United States and Canada to reduce their rates to a competitive basis. The more expensive you make water transportation the greater latitude you extend to the railroads in the fixing of their rates. Place a toll on the domestic shipping and for every dollar you collect by way of a toll you enable the railroads to make a corresponding increase in their rates.

Every ton of freight carried through the canal at \$1.20 a ton will enable the competing railroads in the United States and Canada, as well as at Tehuantepec, to charge at least that amount as additional freight; and on a freight car carrying 50 tons of freight from ocean to ocean the railroads will receive \$60 more than they would if the ships went through without the payment of tolls. It would be just as fair to cry railroad subsidy under these circumstances as it is to charge ship subsidy.

The proper use of the Panama Canal must result in large direct and greater indirect benefit to the people of the country. It can aid in the revival of the American marine, and we shall be again enabled to carry the American flag on the peaceful missions of commerce to the ports of all the world, including those of our sister American Republics.

The view of the British public on this subject is reflected in an article in the London Times of August 13, 1912, from which I quote:

The bill (canal act) will offer facilities for foreign-built tonnage to be registered under the American flag. There is, however, a proviso that

such tonnage must be placed at the disposal of the United States Government in the event of war. It would seem, therefore, that however willing British shipowners would be to place their ships under American register, this provision is sufficient to deter them from doing so. \* \* \*

If the bill becomes a law, it will prove little short of disastrous to British shipowners. With their best brains and energy devoted to the work, the United States will now proceed to turn out vessels on a wholesale scale, and aided by their freedom from Panama Canal dues there is little to prevent them from entering with success all those trades in which British shipowners are now the principal carriers.

Pass this bill and you will surely earn the approval of the British press and the gratitude of the British shipowners.

Mr. President, military and economic reasons alike induced us to embark on this vast undertaking. There was a time in our history when American ships handled three-fourths of our transportation business between here and Europe, but British cruisers like the *Alabama*, the *Shenandoah*, and the *Florida* destroyed our commerce during the Civil War and drove our flag from the ocean.

In 1901 we carried but 16 per cent of our export trade, and 11 per cent of our import. In 1900 not one American merchant vessel went to or came from Germany, Russia, Sweden, Norway, Denmark, The Netherlands, Italy, Austria, Hungary, Greece, or Turkey. Two small American vessels came to the United States from France; one in ballast. One American sailing vessel came from Belgium in ballast, and one American vessel cleared for Spain. There cleared for or entered from Great Britain 11 American sailing vessels, and 2 small steam vessels went to Great Britain in ballast.

The American flag was never such a rarity on the North Atlantic between the United States and Europe. The mail steamships *St. Louis*, *St. Paul*, and *New York* were practically all we had during 1900 in the North Atlantic. There has been no improvement in our foreign shipping since then.

Our participation in shipbuilding and in the trading, underwriting, and banking incident to navigation was correspondingly low. Contrast this record with certain years before the Civil War, when our flag was seen on every sea, and when we carried 89 per cent of our exports and 95 per cent of our imports in American bottoms. The transportation in foreign bottoms consumes a large part of our cargo, and what we spend for the carriage of our products goes out of the country never to return. If carried in our own ships it would increase our credit abroad, and our imports, if carried in American vessels, would increase our wealth at home.

Our commerce should not be abandoned to the monopoly of foreign nations. We are now in the grip of a foreign steamship trust. All of our carrying trade is controlled and directed by the foreigner. American commerce is made to pay tribute to the steamship interests of London, Hamburg, and Rotterdam. Our commerce has prospered, but we have permitted our navigation to perish. Our American marine has been destroyed, and it was hoped that the Panama Canal would mean its restoration, but the influences that have swept away our shipping now are endeavoring to keep it off the sea. Navigation should keep pace with our commerce. As Jefferson said: "The marketing of our productions will be at the mercy of any nation which has possessed itself exclusively of the means of carrying them, and our politics may be influenced by those who command our commerce." Although Jefferson said this in 1793, was it not prophetic, and does it not describe our condition to-day? We have no control of our own trade. The foreign shipper, the foreign merchant, the foreign banker, and the foreign underwriter fatten upon American commerce.

But it is said that the American vessels engaged in the coastwise trade have a monopoly and need no further assistance; that if any assistance is to be offered by the Government the American ships in the foreign trade should get the benefit of it. It is quite true, as I have shown, that the American merchant marine is sadly in need of encouragement. It is said that we now have but 15 ships engaged in the over-seas trade on the Atlantic and the Pacific Oceans. In 1912, 3,000 British vessels passed through the Suez Canal, and during that entire year only 2 ships flying the American flag passed through the canal. England and Germany control the trade of South America, which would be ours if we had a merchant marine worthy of the Nation. Our foreign shipping is practically destroyed. It is estimated that we give more than \$300,000,000 a year to the owners of foreign ships that thrive on our commerce. It was hoped by some that the exemption to the coastwise trade might be followed in the near future by a like exemption to the few American ships now engaged in the foreign trade, but deny this privilege to the coastwise vessels now and you make it forever impossible to confer it upon the ships engaged in over-seas trade.

I repeat that one of the chief purposes of the canal was to secure free competition by water route through the canal so as to regulate and control the railway rates on the American

and Canadian Railway and the Tehuantepec Railroad through Mexico, now under the control of a British syndicate whose fortunes are vitally affected by this legislation. There was another and even more important purpose—the use of the canal in naval operations.

The canal is a military necessity to the United States. We could only by enormous expense maintain permanently on the east and west coast a naval force strong enough to meet unaided any possible opponent. By enabling the Pacific and Atlantic squadrons to unite at short notice the Panama Canal doubles America's naval strength. The canal is therefore primarily a strategical undertaking.

During a recent cruise of the fleet from the Atlantic to the Pacific coast, an ordinary maneuver undertaken in time of peace, the Government found it necessary to charter 40 foreign steamers to provide fuel for the warships. It is humiliating to confess that this great Nation in time of war must depend upon foreigners for our auxiliary fleet. Japan is building 50 ocean ships for her merchant navy. We are building none. Japan can carry 200,000 troops at one time, while we can not carry more than 15,000. Japan has an auxiliary navy of half a million trained sailors. We have not 10,000 auxiliary sailors in the United States.

Mr. President, no patriotic American can contemplate the disappearance of our merchant marine without grave apprehensions as to the consequences to our commercial and naval prestige.

#### SUBSIDY.

But the opponents of the existing law, seeking an excuse for violation of party pledges, profess to discover that the exemption constitutes a subsidy. Realizing that the reasons first assigned for the repeal have made no impression upon the people, some cunning strategist has resorted to the old expedient of dragging a red herring across the trail in order to divert attention from the real question. What is a subsidy? Some who use the word have a loose conception of its meaning.

A subsidy is a gift of public funds from the Government to a private person or corporation to aid in the establishment or support of an enterprise deemed advantageous to the public. A failure to impose a tax is not a subsidy. No money is taken out of the Treasury for the benefit of the coastwise shipping, and if tolls were imposed it is altogether problematical as to how much money would be derived from that source for the public benefit.

If you want a fitting illustration of a subsidy, I would commend you to the provisions of the pending Agricultural appropriation bill, in which you are applying millions of the public money to the benefit of a particular class of our people at the expense of all the other people of the country. This Agricultural appropriation bill, which is largely composed of subsidies, has been passed by a Democratic House, will be passed by a Democratic Senate, and will probably be approved by a Democratic President. I do not make these remarks in criticism of the Agricultural appropriation bill, for I shall vote for it, but I desire to call attention to the fact that there are very many, even in this body, who wink at subsidies when they help them or their people, while they grow frantic at the thought of supporting an alleged subsidy in which they or their people may be supposed to have no particular interest.

The United States has expended more than \$800,000,000 in river and harbor improvements and the building of canals, not including the Panama Canal. There are 12 of these canals throughout the country and during the last fiscal year more than \$2,000,000 was expended in their care and operation. As improved water transportation has operated as a regulator upon competing railroads, the public at large has been regarded as the beneficiary of the public moneys appropriated for these purposes. The State of New York has paid out more than \$200,000,000 in the construction and maintenance of its canals, but it makes no charge to any vessel using them, believing that the public is fully compensated by the influence the canals exert in the regulation of railroad rates. Now, for the first time in the history of our country, it is claimed that this practice constitutes a subsidy.

The railroad influence is persistent and we meet it at every point. While the railroads had a monopoly of the coastwise vessels it was not thought that the vast sums of money paid out of the Treasury annually for waterways constituted a subsidy, but now that the railroad vessels can not use the Panama Canal the cry is raised that the Government is giving a subsidy to the independent shipowners who may use this waterway. We now hear the cry of subsidy from men, many of whom have grown gray in the defense of privilege and monopoly. Every attorney of the transcontinental railroads, American and Canadian and the allied interests, is hoarse shouting "subsidy."

The Tehuantepec Railroad of Mexico, controlled by a British syndicate, fears competition, and its defenders join in the chorus and shout "subsidy"; men who have become masters in the art of political jugglery will assure you that it is a subsidy, but the American people will not be deceived by such protestations.

Before the Panama Canal act of 1912 excluded railroad and trust-controlled vessels from the canal it was estimated that one-tenth of the entire tonnage passing through the canal would represent coastwise shipping, and that if the tolls were exacted from the coastwise vessels they would amount approximately to \$1,200,000 a year; but as only 8 per cent of the coastwise vessels are under independent control, and that 8 per cent, as testified by the Commissioner of Navigation, Mr. Chamberlain, constitutes but 29 vessels fit to pass through the canal, the amount of tolls that would be paid by these vessels on the basis above mentioned would probably not exceed three or four hundred thousand dollars a year.

Last year we spent more than \$40,000,000 to improve the rivers, harbors, and canals of the country, but no toll or charge will be imposed on any vessel in order to secure a return on this outlay. If it is a subsidy to permit American coastwise vessels to use the Panama Canal without charge, then for these many years we have been paying subsidy to the vessels which formed part of the vast railroad monopoly of the country.

Our Government has expended more than \$120,000,000 for the improvement of the Mississippi River, \$23,000,000 for the improvement of the Ohio River, and \$11,000,000 for the improvement of the Missouri River. We have spent \$24,000,000 on the St. Marys Falls Canal. These improvements were made, and the money was paid out of the Treasury for the benefit of the American people. The improvements on the Mississippi, Missouri, and Ohio Rivers were mainly for the purpose of facilitating commerce to and from the Gulf of Mexico. In like manner the Panama Canal was to perfect the waterway system of the United States so as to unite the two oceans and connect the two coasts, thereby permitting barges to be loaded at Pittsburgh or St. Louis or Kansas City and conveyed to San Francisco, Seattle, and other points on the Pacific coast, bringing back the products of that region for distribution to the Gulf coast and the Mississippi Valley.

The domestic commerce of the United States exceeds that of any other nation. More than 40,000,000 tons passed through the Soo Canal in 1912. This is three times greater than the entire traffic on the Suez Canal, but not a dollar of toll was collected on this vast traffic. It costs the Government for the upkeep of the Soo Canal, direct and indirect, millions of dollars every year, but no vessel using this canal is required to pay a toll or other charge for the privilege.

Surely if it is a subsidy to exempt independent coastwise shipping from the payment of tolls in the Panama Canal, where the amount collected would be comparatively small, it is a more reprehensible subsidy to spend millions every year on the Soo and other canals for the benefit of a railroad-controlled shipping.

Perhaps those who claim that the exemption constitutes a subsidy will doubtless explain why they have never raised their voices against the so-called subsidy while the railroads were enjoying the benefit of the system, and why the cry of subsidy was first heard only when a patriotic effort was made to build up an independent coastwise shipping trade freed from the domination of a grinding railroad monopoly.

In 1884 in the river and harbor act it was provided that—

No tolls or operating charges shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work, for the use of and benefit of navigation, now belonging to the United States or that may be hereafter acquired or constructed.

We have never departed from this policy, and those who claim the Panama exemption is a subsidy must reverse the national policy and repeal the law of 1884. Since the adoption of our Constitution in 1789, the uniform policy of the Government has been an untaxed commerce between the States. In the maintenance of this policy we have scrupulously avoided the imposition of any tax or toll on our vessels engaged in interstate commerce. Why should this policy be abandoned? Have the people of the country, by any vote or other declaration, demanded the change? That we have prospered under this policy; that it was wise and sagacious, will not be denied by any student of our growth and development. If it is a subsidy to allow one of our coastwise ships to pass through the Panama Canal without the payment of the tax, then have we not, both parties, Democrats and Republicans, supported similar subsidies for more than a century? If you impose a tax on our vessels going through the Panama Canal, how can you consistently allow our vessels to pass through the St. Marys

Falls canal and other artificial waterways without the payment of toll? Do you have one rule for one section of the country and another rule for a different section? Are we to have free tolls only where it will benefit the railroads, and charge tolls only where it will burden the independent shippers who are competing with the railroads? In either case the railroads will be the only beneficiaries of your proposed legislation. I can not believe that such action by the Congress of the United States will commend itself to the American people.

In truth, an exemption from tolls does not differ economically from the remission of tariff duties. Each of them tends to encourage competition by reducing cost. The payment of tolls will be no burden to the shipowner, because he will simply add the toll to the freight charge, and this will be paid first by the American shipper and then by the American producer and the American consumer.

Is every refusal of the Government to tax its shipping a subsidy? Thomas Jefferson advocated the imposition of discriminatory duties in our tariff and also in our navigation law. This was the principle written into the tariff law at the last session of Congress, which carried a 5 per cent discriminatory rate in favor of goods brought in American ships. Was that a subsidy? Why not? Does it not invite our shippers to use our ships instead of foreign ships? Does it not give somebody 5 per cent of our taxes? Who will get this money—the ships, or the shippers, or both? Or will its benefits finally reach the consumer? This 5 per cent tax exemption was enacted by a Democratic House and a Democratic Senate, and was approved by a Democratic President. During its passage through the House and through the Senate the conscience of no Democrat prompted him to rise up in his place and protest against a Democratic Congress giving a subsidy of that kind in a Democratic tariff bill.

Mr. President, in the same tariff bill provision is made for free shipbuilding material. If the Democratic Party is opposed to indirect as well as direct subsidies, why did it not impose tariff charges on this importation? Some one is benefited by the remission. In these matters, as well as in the Panama Canal exemption, we have pursued a well-defined policy of keeping our ships as free from the burden of taxes as we can, in order that our country might do in a negative way what all foreign countries are doing for their shipping in an affirmative way.

I know it is said that free tolls will simply enrich the shipowner and confer no benefit on the producer and consumer. Well, if free tolls will not decrease the cost to the consumer, imposing tolls on the other canals of the country will not increase the cost to the consumer. I suppose you will make your system uniform. Perhaps this is a part of a program to impose tolls on the shipping on the other canals of the country. This policy was suggested by Prof. Emory Johnson before our committee, and if adopted it will at least have the merit of treating the lake, the river, and canal shipping alike.

#### PARTY PLEDGES.

Those who seek to justify the betrayal of party pledges must invent an excuse or openly confess that the declaration of principles adopted at the Baltimore convention was a mere sham to be used only for the purpose of deceiving the American electorate and not for the purpose of being redeemed honestly. When before did the Democratic Party violate party pledges? When did it repudiate a solemn covenant with the American people?

Unusual care was taken at the Baltimore convention to adopt a platform which could be scrupulously respected by the party and its candidates. To avoid the possibility of the candidates repudiating the platform, or any part of it, the platform, at the suggestion of the leader of the party, although carefully considered and unanimously approved by the committee on resolutions days before, was not presented to the convention and adopted by that body until after the candidates had been selected. It is within the memory of the members of the committee that we pursued this course on the advice of the then leader of our party, who declared that he did not want any contest or issue between the candidates and the platform.

This was the first time in the history of political conventions that such a course was pursued.

I can not stop to contemplate what would have become of Democratic prospects in the last presidential campaign if the free-toll plank of the platform had been rejected or repudiated before the election; but it was not rejected. It was approved and pressed upon the attention of the public in every section of the country. Its economic advantages were pointed out by the nominees of the party and the thousands of public speakers who advocated their cause. It was given prominence in the campaign textbook which was distributed throughout the country

by the national Democratic campaign committee, and yet it was as much a subsidy in 1912 as it is now.

Let us not deceive ourselves, Senators, the free-toll plank was the one dominant American note in the campaign of 1912, and its value to the Democratic Party can not be disparaged when it is recalled that the convention of the Progressive Party adopted the same plank, that the nominee of the Republican Party had already pledged himself to the same principle, and that 14,000,000 citizens of this country by their votes have declared their adherence to this principle. We are now asked to repudiate their declaration, to ignore their rights, and to treat them with a contempt to which American citizens will never submit.

When we talk of national honor we may be suspected of insincerity if we do not recognize that a violated party pledge is the rankest kind of political perfidy. We surely owe at least the same good faith to the American people that we profess to feel for a foreign nation.

The American people, not the British Government, restored the Democratic Party to power, and if we retain power it will be by the favor and confidence of the American people and not by the grace of Great Britain. If we prove recreant to our trust the American people will render a verdict whose lesson will have a salutary influence on the public men of the future. A party platform should be regarded as a confession of faith by the party promulgating it and should be held sacred and inviolate.

How can we hope to retain the confidence of the American people when we have no respect for our party pledges? To what sinister influence will the people attribute this duplicity on the part of a great political party? It is no defense to say that delicate foreign relations justify the repudiation. There can be no condition in our foreign affairs that can excuse the abandonment of vital national rights. If, as the result of war, a conqueror imposed such terms upon us we could accept them as the issue of a struggle, but a self-respecting people can not freely submit to such conditions. Is the Democratic Party prepared to confess itself guilty of a betrayal of a public trust? Will it admit to the country that it secured office by false pretense? What confidence can the people have in such a party so devoid of respect for its own pledges? We secured office under a solemn promise to the American people which we are now asked to repudiate.

Those who say we must act because the President so advises have a very erroneous conception of the senatorial office. They forget our powers and responsibilities, as well as the limitation imposed by the Constitution on the Executive. We are too important a branch of the Government to allow our action to be controlled by the request, caprice, or dictation of any other branch of the Government.

Of all the departments the Senate is the only body possessing legislative, executive, and judicial functions. With the House we legislate; with the President we share the duty of making appointments and adopting treaties; and in the impeachment of public officers we perform judicial functions. I shall never tolerate the degradation of the Senate. I shall never consent to making it subordinate or subject to another branch of the Government. The President is discharging his duty as he sees it. He has his duties to perform under the Constitution and I have mine. No one impugns his honor or patriotism. I simply challenge his judgment. It can not be vindicated, and posterity will condemn it.

For nearly a century the national convention has been the highest authority for the declaration of party principles—the promulgation of the party creed, binding upon all alike. The party doctrine as pronounced by a national convention can be changed only by another national convention. The power is not lodged with a President or a congressional caucus to regulate or modify.

I should prefer to stand with the President, but I have never bolted a Democratic candidate nor a Democratic platform, and I do not intend now to take my place with the repudiators of party pledges. In this emergency every Senator will act according to his own lights. Some may find an excuse for the disregard of party obligations, but as I view it, a party platform is the pledged word of men of honor declaring what their policies will be if they attain power. It is either that or a shifting, dishonest, unconscionable pretense whereby a confiding electorate is misled.

Never until now has the party of Jefferson been exposed to this base imputation upon its honor and integrity. And those who cling to the old Democratic Party in its days of adversity—those who, undismayed by repeated defeats, remained loyal to its candidates and its principles—should not now be asked to

do it a wrong greater than any which its avowed opponents are capable of inflicting upon it.

Senators, I beg you to pause while there is still time and avert a disaster which now threatens the party and the Nation.

NATIONAL HONOR.

But it is said that our national honor is affected and that, right or wrong, we should accept the claim of Great Britain. Since when have we become so weak that we dare not assert our national rights? When we were colonies of Great Britain we did not yield to her demands "whether right or wrong," and I hope that we have not become so unworthy the heritage of liberty won for us by the blood and sacrifice of the patriots of the Revolution that now, after 138 years of independent existence as a nation, we are ready to yield to her unjust exactions.

Are we to abandon the Monroe doctrine when every sentiment of the American people calls for its maintenance? Must we cower before the mailed fist and give the first manifestation of national decline? No nation can respect another that does not respect itself. Surely the most that can be claimed by the British advocate is that the question of the interpretation of the treaty is involved in doubt. If that be so, by what right or authority do we resolve the doubt against our own people? Have we no liberty of action? When have we become so feeble that we can not retain advantages of our own? Have we not the same right that England has to place our own interpretation on the treaty and support it by reason and precedent? Yet we are told, "right or wrong," we should submit. Whence came these standards in the affairs of nations? England has never applied them to herself.

In matters personal to ourselves we may surrender our private rights, if we will; they are ours, and our action affects ourselves alone, but acting as trustees for a nation, can we in honor or justice surrender their rights and interests without rhyme or reason? We may ransack all the authorities on international usage; we may explore all the pages of diplomatic relations, and I venture to assert that no precedent can be found in the history of any country for this extraordinary proposal.

Reason, common sense, justice, and patriotism alike cry out and condemn it. The American people will never consent to it. We, who, for a brief hour, are clothed with their authority are but their servants, and under our system of laws the people recognize no master or ruler in affairs of government. They themselves are sovereign, and they will never condone this threatened spoliation and sacrifice.

While the exemption of coastwise shipping is not a subsidy, if, after an experimental period, it seemed wise to repeal it, I should not hesitate to vote for such a proposition, but to repeal the exemption now is to confess to the world that President Taft and the Congress of the United States violated a solemn treaty, and that under the stress of coercion we are constrained to change our course. To repeal the exemption at this time would involve the further concession that we are not in absolute control of the canal; that it is an Anglo-American and not an American canal, as John Hay declared it would be. The British contention, if upheld, would impose a restriction upon our sovereignty and recognize the right of a foreign government to a voice in the regulation of our domestic concerns. These complications must arise once you recognize Great Britain's right to tell us what we may or may not do in our treatment of our own shipping.

If I would counsel the President, I would remind him that whatever we owe foreign nations we owe more to the American people. It is idle to talk of national honor when we seek to meet unfounded demands by inflicting injustice and dishonor upon our own people. I would urge the strict observance of every international obligation founded on right and justice, but I would defy the powers of the earth before I would permit encroachments upon our rights of sovereignty.

I shall never furl the standard of the United States and lay it at the feet of a foreign nation. In a contest between my country and a foreign Government, I shall take my place with my own people. I will not enlist in the forces of the enemy. I shall be just to my own people before I become generous to those who would invade our national rights. We are sent here to protect American rights and not to sustain foreign aggressions. We have no mandate to barter away national rights. The people look to us to defend them; and if we fail them the people are betrayed.

Mr. President, we have accomplished the greatest task of all time. We have made two oceans one, and yet in a spirit of friendship to all the world we offer to the nations of the earth the use of the greatest achievement of all the centuries. Contrast our conduct with that of England. Which is more honorable?

We give where we might withhold. She selfishly demands what belongs to us. England controls more than one-half of the shipping of the world. The canal will confer a greater benefit upon her than upon all the other nations of the earth combined, and yet, although we grant her this princely benefaction, she would deprive our people of their just rights in their own canal. Did the world ever witness such ingratitude, selfishness, and rapacity?

Friends of the British contention dwell on the moderation of Great Britain in surrendering its discriminatory policy in the Welland Canal when it was discovered that her policy violated the reciprocal treaty with the United States made in 1871. But the history of the incident shows that for years Canada deliberately violated the treaty and was forced to abandon its violation only when the United States took retaliatory measures against her in 1892. In that contest Great Britain yielded reluctantly, unwillingly, and tardily, and while her conduct could not be defended, except at intervals on the floor of the United States Senate, she did not admit that she was in the wrong. To-day she is forcing us to yield, although we are in the right; right according to Mr. Roosevelt, who was President when the treaty was framed; right according to the Supreme Court of the United States, which interpreted a similar treaty; right according to President Taft, in whose administration the canal was built; and right according to the judgment of 1,000,000 American citizens as recorded at the polls in November, 1912.

Those who see something to commend in the conduct of Great Britain regarding the Welland Canal controversy might find it profitable to recall the message of President Cleveland to Congress on August 23, 1888, in which he stated:

The navigation of the Great Lakes and the immense business of carrying trade growing out of the same have been treated broadly and liberally by the United States Government and made free to all mankind, while the Canadian railroads and navigation companies share in our country's transportation upon terms as favorable as are accorded to our own citizens. The canals and other public works built and maintained by the Government along the line of the Lakes are made free to all—

Free to American and free to Canadian shipping.

In contrast to this condition, and evincing a narrow and ungenerous commercial spirit, every lock and canal which is a public work of the Dominion of Canada is subject to tolls and charges.

And of the toll of 20 cents a ton which Canada imposed upon American and Canadian shipping in her own canal she at once devised a system by which Canadian shipping would secure a rebate of 18 cents a ton, thereby imposing a net charge of 2 cents a ton upon Canadian ships and retaining a charge of 20 cents a ton on American ships, when just across the waterway this generous Government of ours was placing all of our lakes and canals freely and without charge of any kind at the disposal of Canadian as well as American shipowners.

It is surprising at this late date to find a Canadian, much less an American, defending the morality or justice of this action. And this practice was resorted to at the very time that Canadian ships were enjoying the use of American canals and other public works without the payment of any charge whatever.

In his note to Ambassador Bryce, dated November 14, 1912, Sir Edward Grey, secretary of state for foreign affairs of Great Britain, referring to the treaty of Washington, said:

Your excellency will no doubt remember how strenuously the United States protested, as a violation of equal rights, against a system which Canada had introduced of a rebate of a large portion of the tolls on certain freight on the Welland Canal, provided that such freight was taken as far as Montreal—

Note this language, Senators—

and how in the face of that protest the system was abandoned.

It is apparent that Sir Edward Grey was not familiar with the circumstances that induced his Government to alter the system of rebates to Canadian shippers. The system was not abandoned because of the protest of the American Government, but because of a proclamation issued by President Harrison on August 20, 1892, under authority of Congress, which provided, as a retaliatory measure, that after September 1, 1892, a toll of 20 cents a ton should be imposed—

on all freight passing through the St. Marys Falls Canal in transit to any port of the Dominion of Canada, whether carried in vessels of the United States or of other nations.

The protests of the Government of the United States, made in 1888 and again in 1891, against Canada's disregard of the provisions of the treaty of 1871, had no effect. She was brought to her senses, however, by the retaliatory measure of August, 1892, and in consequence she discontinued her discrimination against American shipping in Canadian waters. Canada abandoned her discrimination not because of our protests, but under stress of punitive legislation by the American Congress.

Senators, our countrymen are a justice-loving people. They respect treaty obligations. The foul slander that we are an outlaw nation is as false as it is unpatriotic and un-American to assert it. Our record, I am sure, will bear comparison with that of Great Britain. The pages of history of every nation in the world, without an exception, teem with instances of treaties she has violated and wrongs she has perpetrated. No nation has been immune from her selfish greed and lust of power, and now before we take the final step in this unwise and mistaken policy, fraught with infinite mischief for the future, let us pause and remember that while we may placate England we shall have to answer to the American people.

Senators, this issue will grow to proportions overshadowing all other questions. It is not impossible that we shall render a decision that will offend the judgment of the American people; but if we do so, I venture the prediction that another Congress will correct the wrong.

President Taft declared, when this question was presented to him, that we had not violated the treaty, and by cogent and unanswerable logic established his contention. Why should this administration seek to undo what has been done by the administrations that constructed the canal and built it on American soil? What respect can foreign nations have for the United States if the act of a President of the Republic in international relations is to be repudiated by his successor? Not since 1776 has Great Britain been allowed a voice in our domestic affairs. What think you would be England's attitude if our positions were reversed? Would she yield her vital interests to foreign dictation, or would she contemptuously rebuke the insolence of a nation making the demand? If we would retain the independent sovereignty of the United States over the canal we must resist this insidious effort to compel our relinquishment of the most strategic point within our national domain.

I know there is a vague suspicion that diplomatic reasons require this national abasement, but my judgment, maturely formed and based upon such information as is available, is that the gravity of our international relations has been grossly, though unconsciously, exaggerated. The American people want peace, but they fear no power on earth. Shadows can not disturb a brave man. They should not alarm a brave and intrepid people. A nation worthy the respect of the world can not relinquish sovereign rights under threat from a foreign power.

I am as jealous of our national honor as any man, but in my judgment our national honor requires no sacrifice such as is proposed. If you encourage a doubt as to the spirit with which Americans are prepared to uphold the interests of our country—if you are ready to yield national rights—you may soon find that you will have to contend with more than one enemy for your station among the nations of the earth. The national humiliation which threatens us can be averted only by giving in the Senate of the United States a reflection of the high and resolute spirit of confidence and patriotism that animates the American people.

Subservience and shame will never elevate a nation or win her respect. National safety can be secured only by firmness and dignity. Yield once to unjust demands and you will be called upon to resist fresh exactions. Why confuse the issue by dwelling on our solemn obligations and suggesting the need of protecting our national honor? Who has assailed our national honor? Whence came the blow? Unfortunately it has been dealt by some of America's own sons. Is there dishonor in upholding the rights of the American people against the wiles of an avaricious competitor for the trade and commerce of the world? In the golden days of the Republic this was patriotism, but according to the new dispensation it is dishonor. Have we in truth become a decadent Nation—where the first claim to distinction is treachery to your own and subserviency to the oppressor?

There was once a national spirit which believed in the honest observance of party pledges, the maintenance of national integrity, and the preservation of the Monroe doctrine, which warned the monarchies of Europe to keep their hands off of this continent.

This spirit is not dead. If there be any who think it is not abroad throughout the land, they do not know the American people. Those who defend American rights may be called jingoes, but it will not weaken their devotion to their country. How familiar the cry of jingo so persistently uttered against those who are not ashamed or afraid to speak up for the pride and dignity of the Republic. It has been the weapon of every political hireling who sought obsequious compromise with foreign aggression. It has been hurled at every man who has stepped out of the conservative miasma to unfurl the flag in the pure sunlight of an unpurchaseable freedom. It was the Tory's epithet for James G. Blaine, because he remembered that

he was an American. It was the Tory's epithet for Grover Cleveland, when, in the Venezuelan controversy, he uttered the memorable words:

There is no calamity which a great nation can invite which equals that which follows a supine submission to wrong and injustice and the consequent loss of national self-respect and honor, beneath which are shielded and defended a people's safety and greatness.

Senators, we owe no debt of gratitude to England. We exist as a Nation, not because of her friendship but in spite of her hostility. If we owe her any expression of gratitude, it is that which liberty owes to tyranny for opportunity—the opportunity to wring from oppression a permanent separation and a glorious independence.

This bill is misnamed. It should be entitled, "A bill to exalt British commerce and destroy American shipping" or "A bill to expand the glory of the British Empire and humiliate the United States." Senators, when I think of the greatness of this Nation, of its vast natural resources, its plains and valleys golden with the harvests that feed the world, its tremendous commercial and industrial centers, its ore-ribbed mountains, and, above all, its mighty army of intelligent, liberty-loving people, and when I contemplate what its genius and its sacrifices have done for the enlightenment and happiness of mankind, I stand aghast at the proposal that we yield supine obedience to a monarchy beyond the sea.

Mr. President, it is useless to pretend that we are dealing with an economic question. The request to repeal was not based upon that ground. Disguise it as you will, the controversy rests upon international grounds. It has been charged that Congress and President Taft are guilty of a breach of faith. As a nation we are charged with breaking our word. Enact the repeal and you confess an act of deliberate national dishonor, because the act of 1912 was passed and President Taft approved it after the protest of Great Britain. If we were wrong in 1912 we should confess our shame and make restitution, but that we were right is established by the great weight of legal authority and the judgment of the Nation. And believing we were right the confession implied in the proposed repeal would expose us to the shame and reproach of the world. The canal was built for military and commercial purposes, and if we now surrender our sovereignty over its waters we may not be able to sustain our military rights in the future without a struggle. And the day may not be far distant when our necessities will compel us to declare to the world that our control of our own canal can not be challenged by any power.

No Senator questions the patriotism and high purposes of the President, but if legislation is to be made dependent upon his will alone, no one can predict the mischief to which such a precedent will expose this Government in future years. The welfare of one hundred millions of freemen can not be dependent upon the judgment of one man. For the making of the laws of the Nation Congress is responsible, and this responsibility can not be evaded. The fathers of the Republic wisely placed a limitation on the power of the Executive, and these limitations can not be disregarded without doing violence to the Constitution which we have all solemnly sworn to uphold.

We may not always have a President who will command in such a high degree the confidence which the American people repose in the present Executive. If the Congress of the United States is to vote blindly with regard to great public questions, trusting alone to the Executive, and acting on his judgment, whether right or wrong, we invite a danger which may involve this country in grave peril and which may at any time produce a national catastrophe.

Let me read to you a few lines from Woodrow Wilson, the publicist, in his Congressional Government, on page 233, speaking of the powers of the President:

His only power of compelling compliance on the part of the Senate lies in his initiative in negotiation, which affords him a chance to get the country into such scrapes, so pledged in the view of the world to certain courses of action, that the Senate hesitates to bring about the appearance of dishonor which would follow its refusal to ratify the rash promises or to support the indiscreet threats of the Department of State.

Let us take heed of this admonition, and as patriots and Senators perform our duty as our own conscience and judgment dictate.

Mr. President, I believe that the passage of this bill compromises the dignity and honor of the country, and before the deed is consummated I enter my solemn protest against what I conceive to be a betrayal of the American people.

This question of tolls is but an incident in a great contest, now in its initial stage, which may determine the control of the Panama Canal for all time. The construction of the canal will rank among the world's wonders, but the opinion of mankind will pronounce the surrender of our sovereignty over it a colossal blunder and a triumph of British diplomacy.

Mr. BRISTOW. Mr. President, it is with hesitation that I address the Senate following the powerful speech which has just been made by the junior Senator from New York [Mr. O'GORMAN], an address which for unanswerable argument, close and compact reasoning, and lofty patriotism has not been excelled in this Chamber for many years. But I desire to invite the attention of the Senate for a short time to a layman's view of the bill which is pending.

All efforts to construct a canal from the Atlantic to the Pacific waters between the two Americas failed until the experience of the United States during the Spanish-American War demonstrated its necessity as a means of national defense as well as of commercial advantage. Then we determined to build the canal.

The first move was the making of a new treaty with Great Britain to supersede what was known as the Clayton-Bulwer treaty of 1850.

Why the United States should be required to obtain the consent of Great Britain before she could construct a canal across the Isthmus of Panama is a question that naturally comes to the mind of every patriotic American. The answer is that for centuries England has assumed a commercial dominion of the earth and requires other nations to get her consent to any important enterprises that might affect the world's commerce. Our Government was foolish enough in 1850 to accede to this presumption on the part of Great Britain and entered into a treaty by which, in substance, it was agreed that neither party would acquire control of a canal at Nicaragua nor obtain possession of territory for that purpose, but that in the event a canal was built both nations would defend it and protect its neutrality under certain agreed conditions and that it should be open to the use of the citizens of each upon exactly the same terms for all of their commerce. Subsequent events demonstrated that England never intended to construct the canal; she was evidently throwing out her lines for the future. While its construction by private capital only was contemplated in this treaty, the effect of the treaty was that if ever built under American supervision or by our Government England would help us defend it, and for such protection would be given the same rights as America in its use. To us in this day it appears that for our country this was a one-sided and indefensible treaty. It in fact provided a joint control of the canal and tied us hand and foot so far as any independent action was concerned. It was obtained by Great Britain at a time when our statesmen apparently were desirous of satisfying England and stopping her aggressions on this continent.

#### A NEW TREATY MADE.

After the Spanish-American War, when we had decided to construct the canal, it was claimed by some that for us to undertake to do so without the consent of Great Britain would be a violation of the Clayton-Bulwer treaty. Others insisted that the treaty was obsolete and had been frequently ignored by England and that we ought formally to declare it void and proceed to construct the canal upon our own motion. The result was, however, that Secretary Hay made a new treaty to supersede the existing one. Doubtless he thought this could be accomplished with less friction with England than to ignore or abrogate the old treaty.

The new treaty was entered into and ratified by both Governments in 1901. It provided in general that we could construct the canal and establish rules for its government, that it should be neutral, and all nations that complied with the rules which we prescribed should be treated equally in its use. The canal was begun and the work pushed with vigor and has been attended with extraordinary success. Two years ago such progress had been made that it was thought advisable for Congress to provide for its government and operation when opened. The Panama Canal act of August 24, 1912, was the result.

#### THE MONOPOLY OF TRAFFIC VIA PANAMA BY THE RAILROADS.

That bill was in the committee for weeks. Extensive hearings were held and every interest concerned was consulted. The greatest controversy before the committee was with the transcontinental railroads. Those railroads practically had controlled traffic by way of Panama since 1878—when there was in operation what was known as the transcontinental railway pool. This pool for a time paid the Panama Railway Co. approximately a million dollars a year for the privilege of controlling its rates between the eastern and western coasts of the United States. That was what these American railroads paid to suppress competition via Panama.

Upon the passage of the interstate-commerce act this pool became unlawful and it was discontinued. Then these railroads resorted to another device to destroy Panama competition. The Southern Pacific acquired control of the Pacific Mail Steamship

Co., and through that company, by various devices and intrigues which I will not take the time to relate, was able to force the Panama Railroad Co. to enter into an exclusive through billing arrangement with the Pacific Mail on all coast-to-coast trade, which effectively closed the Panama route to all competitors of the railroads. By various means the control of these rates has been maintained by the transcontinental railways down almost to the present time.

This throttling of isthmian traffic and competition by the railways has been a great burden to the commerce of large sections of our country. In order to maintain this commercial dominion the railroads have crushed companies, firms, and individuals who have tried to operate vessels in competition with them. They have bottled up the harbors of cities and laid heavy commercial embargoes on communities. Their high-handed methods resulted in vigorous protest and finally led to the incorporation into the bill of a provision forbidding ships owned or controlled by the railroads from the use of the canal. The railroads thus seeing the dominion of the Panama route which they had so long enjoyed about to pass away from them fought the bill with dogged persistence and intense bitterness. Every device known to the ingenuity of professional lobbyists was employed to defeat those provisions that sought to free the commerce of the seas from their tyrannical grip. Their purpose was plain. The canal was about to become a great waterway to be used by ships free from their dominion, and genuine competition in transcontinental traffic was about to be realized by the American people. This the railroads were determined to prevent. They had destroyed effective water competition on all of our rivers and lakes. They had driven from the inland waterways of the country or whipped into submission every competing craft, and they were determined not to lose control of the Panama route after the canal was constructed. But, be it said to the honor of the American Congress, they failed. The provisions which they fought were retained in the bill, and the canal was freed from their stifling grip.

#### THE CANAL-TOLLS ACT INDORSED BY ALL PARTIES AND CANDIDATES.

It was ordained by the law to be a free and independent water highway. Railroad-owned and trust-controlled ships, those modern pirates of the sea, were barred from the use of the canal, and independent ships in our coastwise trade that compete with the railroads were given free passage. Defeated in Congress, the railroads then shifted their line of battle. They joined their English allies—the Canadian Pacific and the Mexican National Railway, which is operated by an English company—and moved on our Government through diplomatic channels. Great Britain was induced to protest against the bill, but her protest was met by Secretary Knox and Mr. Taft with patriotic firmness. They refused to accede to her demands and resisted her unwarranted assumption. The bill passed, was signed, and met the approval of the American people. It was accepted by all political parties. The Democratic national convention indorsed the policy by the following clear-cut and conclusive declaration in its platform. It said:

We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal. We also favor legislation forbidding the use of the Panama Canal by ships owned or controlled by railroad carriers engaged in transportation competitive with the canal.

Mr. Wilson, the candidate for President nominated by that convention on that platform, in the campaign commended the policy. In a speech at Washington Park, N. J., to the farmers, August 25, 1912, he said:

One of the great objects in cutting that great ditch across the Isthmus of Panama is to allow farmers who are near the Atlantic to ship to the Pacific by way of Atlantic ports; to allow all the farmers on what I may, standing here, call this part of the continent to find an outlet at ports of the Gulf or the ports of the Atlantic seaboard, and then have coastwise steamers carry their products down around through the canal and up the Pacific coast or down the coast of South America.

Now, at present there are no ships to do that, and one of the bills pending—passed, I believe, yesterday by the Senate, as it had passed the House—provides for free tolls for American ships through that canal and prohibits any ship from passing through which is owned by any American railroad company. You see the object of that, don't you? We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent. \* \* \*

Our platform is not molasses to catch flies. It means business. It means what it says. It is the utterance of earnest and honest men, who intend to do business along those lines and who are not waiting to see whether they can catch votes with those promises before they determine whether they are going to act upon them or not.

#### THE PRESIDENT'S CHANGE OF POLICY.

This declaration of the Democratic platform and the unequivocal indorsement from Mr. Wilson, the record that Mr. Taft, the Republican candidate for the Presidency, and his Secretary of State, Mr. Knox, had made, and Mr. Roosevelt's

well-known views on the subject gave those of us who had been fighting for freedom of transportation by way of the canal reason to believe that we had won for the people a substantial victory. However, the forces of evil never sleep. Greed is always alert. Avarice is relentless in its efforts. And right-thinking people who understood the significance of the fight that had been won were amazed when it was recently announced that President Wilson had changed front; that while he formerly had declared the canal act good, he now pronounced it bad; while he had been against the railway and English contention before the election, he was now favorable to it.

On March 5, 1914, he read a message to Congress, in which he said:

I have come to ask you for the repeal of that provision of the Panama Canal act of August 24, 1912, which exempts vessels engaged in the coastwise trade of the United States from payment of tolls, and to urge upon you the justice, the wisdom, and the large policy of such a repeal with the utmost earnestness of which I am capable.

We ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity and for the redemption of every obligation without quibble or hesitation.

I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

Compare this utterance with the Democratic platform and Mr. Wilson's New Jersey speech, and then tell me what you think of the declaration of the President that "our platform is not molasses to catch flies. \* \* \* It means what it says." Mr. Wilson now demands that Congress reverse its action, but does not say why he has changed his mind nor give us any reason why we should change ours. He says the law is a violation of the Hay-Pauncefote treaty, but it seems strange to us that his keen and analytical mind did not discover that before the election. Why should we accept this newborn opinion of Mr. Wilson without any reason assigned or argument produced?

THE TREATY OF 1815 AND ITS INTERPRETATION BY THE SUPREME COURT.

But, regardless of the vacillating views of the President, let us consider the language of the treaty and the construction that must be placed upon it in the light of history.

In 1815 the United States and Great Britain made a treaty, which, among other things, contained the following provision:

No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States.

The construction of this language ordinarily would be that all vessels of the United States and of Great Britain should pay exactly the same port charges in United States ports. But the provision has never been so applied to the coastwise commerce of either country; that is, commerce between the ports of the United States and between the ports of Great Britain. Happily, the meaning of this provision of this treaty has been judicially determined by the Supreme Court of the United States. In 1895 the State of Texas passed a law exempting vessels engaged in the coasting trade of the United States from port charges. An English vessel claimed that such law infringed upon the treaty, and went into court. The case is known as *Olsen versus Smith*, and is found in One hundred and ninety-fifth United States Supreme Court Reports, page 332. It was heard and determined by the Supreme Court of the United States, and the decision was rendered by Mr. Justice White, now Chief Justice. In that decision Mr. Justice White said:

Neither the exemption of coastwise steam vessels from pilotage, resulting from the law of the United States, nor any lawful exemption of coastwise vessels created by the State law, concerns vessels in the foreign trade, and therefore any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade.

That is, the Supreme Court decided that since our navigation laws do not permit any foreign ships to engage in coastwise commerce, the exemption of coastwise ships from port charges was not a violation of the treaty.

The result is that two ships—one American and one English—may leave Liverpool en route to New York and they sail into the harbor side by side; both pay the same harbor charges, and no discrimination can be made against the English ship and no favor can be extended to the American ship. But an American ship bound from Boston to New York can enter the harbor side by side with these two other ships, and the Boston ship is permitted to enter free from any port charges. Such is the interpretation of that treaty by the highest judicial authority in the land. The language contained in the treaty of 1815 was more specific and definite as to equal charges than is the language found in the Hay-Pauncefote treaty. England accepted this decision without protest; in fact, she herself for a hundred years had practiced the same discrimination in favor of her own vessels engaged in her coastwise commerce.

ARTICLE 3 OF THE HAY-PAUNCEFOTE TREATY.

Now, with that decision in force, and such being the uniform and universal practice of the nations, the diplomatic officers of the two Governments in 1901 entered into a treaty in regard to the construction of the Panama Canal. In article 3 of this treaty, which contains the subjects in controversy, certain stipulations were agreed upon and the following rules were adopted by us for the government of the canal:

ARTICLE 3.

The United States adopts as the basis of the neutralization of such ship canal the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal—that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary, and the transit of such vessels through the canal shall be effected with the least possible delay, in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purpose of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

These are the rules which we have adopted for the control of the canal. The United States is the proprietor, the owner, and operator of this great international highway, and in its management it has agreed to prescribe these rules and has assumed the responsibility of enforcing them. Let us consider the rules in detail. First, we agree that—

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

England claims that the term "all nations" in this paragraph includes the United States itself, and that we have no right to pass our own ships engaged in domestic commerce, a traffic in which under our navigation laws the ships of no other nation can engage, through the canal for any less toll charges than are charged English ships engaged in any kind of commerce. If the same rule of construction is applied to this language that is applied to that of the treaty of 1815, it can not be held that the term includes our coastwise trade. That has been settled by our Supreme Court and accepted by Great Britain.

THE PHRASE "ALL NATIONS" DOES NOT INCLUDE THE UNITED STATES.

The reading of the rules demonstrates that by their nature the term "all nations" can not include the United States, it being the proprietor who prescribes the rules for all of the nations to comply with; and it agrees that all who do comply with the rules so prescribed shall be treated with entire equality. A careful reading of the rules forces us to this conclusion. Let me repeat the first clause of rule 1:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality.

This language applies to "vessels of war" as well as to "vessels of commerce"; both kinds of vessels are mentioned in the clause. If under this provision the vessels of commerce of all nations are to have the same privileges as those of the United States, then the vessels of war of all nations must be accorded the same treatment. Let us consider to what this construction will lead. If we were engaged in a war with Japan, if we accept the English interpretation of this treaty as Mr. Wilson asks us to do, it inevitably follows that we have agreed that Japan's battleships shall pass through the canal "on terms of entire equality" with our own; that they shall enjoy every privilege that our battleships enjoy. From the English point of view we have agreed in this treaty that the canal, which

has been constructed on American territory by American genius and paid for wholly by the American people, shall be used by the fleets of our enemies when seeking to attack us upon exactly the same terms as our own fleets. Does any sane man believe that the American people will tolerate such a policy?

Why have we made the great sacrifice necessary in the construction of the canal? Why have we poured into it hundreds of millions of the people's money and sacrificed the lives of some of our best citizens? Was this great sacrifice made to give our enemies a military advantage in attacking us in time of war? That is the inevitable result of England's claim, as she insists that we can enjoy no privilege that is not accorded to every other nation, though the other nations have not contributed a dollar nor made any sacrifices in its construction.

#### THE FORTIFICATION OF THE CANAL.

Let us consider the other rules that we have adopted, remembering that in interpreting rule 1, if the term "all nations" includes the United States, then the term must be applied to all of the other rules in the same way, for one rule is just as binding as another. The treaty specifically states that the nations using the canal shall observe not this rule but "these rules"—not one rule, but all of them—and then proceeds to set forth the "rules" that are to be observed. Rule 2 is as follows:

The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

The English construction is that not only must the vessels of commerce and of war of all nations, including the United States, be permitted to use the canal upon "terms of entire equality," but that the United States can not blockade it nor exercise in connection with it any right of war. The rule provides that the canal shall never be blockaded, yet we are erecting at both ends of the canal probably the most powerful fortifications in the world. The guns that guard the Pacific entrance are protected by a breastwork of a thousand feet of solid granite, and these powerful engines of war can hurl seaward for a distance of more than 20 miles shells weighing over 2,000 pounds. When these fortifications are completed, if properly manned and handled, the combined navies of the world could not force an entrance into the Pacific mouth of the canal. The Atlantic defenses are no less powerful. Are these tremendous fortifications made under the provision which permits us to "maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder"? Every intelligent human being knows that these fortifications are there to be used by us to protect the canal and exercise our dominion over it in times of war; to defend it against enemies and to protect our national rights. They are there for the purpose of enabling us to maintain its neutrality and to enforce the rules which we have adopted for its government. England has made no protest against these fortifications; she admits that they are necessary so that we can protect and defend the canal. Under this treaty we assume the entire responsibility for its defense, while under the former treaty, which this supersedes, England agreed to defend it jointly with us. While she admittedly is released from all responsibility of its defense, still she claims that she relinquishes none of her rights or privileges in its use.

Rule 3 reads as follows:

Vessels of war of a belligerent shall not revictual nor take any stores in the canal, except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

If the English interpretation, which Mr. Wilson accepts, is correct, then the United States, if at war with any other country, could not revictual its warships in the canal or on its own territory adjacent to the canal. It could not take on stores, and its vessels would have to be passed through with the least possible delay. The very statement of the case demonstrates its absurdity.

Rule 4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

That is, from the English point of view, we have agreed that we shall never embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance in the transit, and in such case the transit shall be resumed with all possible dispatch. If that is the correct interpretation, we are violating this provision of the treaty now,

because we are continuously embarking and disembarking troops and munitions of war on canal-territory.

RULE 5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible, but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

That is, the English construction requires that if we were at war with Japan and a Japanese fleet should appear at Panama, we would by this treaty be compelled to allow it to pass through the canal unhindered; and if we had on the Atlantic side a powerful fleet, we have agreed to let the Japanese men-of-war have 24 hours' start en route to our Atlantic ports before our fleet shall follow them. If the English construction is right, then that is what we have pledged the nations of the earth that we will do. Of course it is absurd.

An analysis of these five rules demonstrates to any open mind that our Government would never have entered into such an agreement as is indicated by the English contention. If such an interpretation had been suggested to the American people when the proposition was before them for consideration, it would never have been ratified. The people would never have consented to the expenditure of such an enormous amount of money for its construction if they had known that they were to have no control over it when completed. This is the testimony of many Senators who were Members of the Senate when the treaty was approved.

Those rules by their very nature must apply to all nations other than the United States, and by them we have agreed to treat such nations with entire equality in the use of this canal; we have agreed to give none of them a preference over the others in time of peace or war. If France and England should be engaged in hostilities, English vessels and French vessels would enjoy exactly the same privileges in the use of the canal. If Japan and Germany were engaged in a war, we have agreed that Japanese and German vessels shall be treated with absolute equality. And we have also agreed that the merchant ships of all nations that are competing in the trade of the world shall be given exactly the same treatment as to charges, and so forth. These things we, as proprietor of the canal, have agreed to do. These rules we have agreed to maintain, and we are preparing to be able to enforce them.

#### THE INTERPRETATION OF COMMON SENSE.

The interpretation which I have indicated was put upon this treaty by Mr. Roosevelt, during whose administration it was agreed to and ratified. It has been so interpreted by President Taft, Mr. Roosevelt's successor, who was familiar with the events at the time. It has been so interpreted by Senator Lodge, of Massachusetts, who was the member of the Committee on Foreign Relations who reported the treaty to the Senate for ratification. It has been so interpreted by Secretary Knox, who was Attorney General under the administration of Mr. Roosevelt, and afterwards a Member of the Senate, and later Secretary of State under Mr. Taft. It is the interpretation that was put upon the treaty by both branches of the American Congress in the year 1912, when the present law was enacted. It is the interpretation put upon the treaty by the Democratic national convention, in which the present Secretary of State was a commanding figure. It is the interpretation put upon the treaty by the present President of the United States when he was a candidate for election. It is the interpretation of common sense, and it is the only interpretation consistent with patriotic Americanism.

By the Clayton-Bulwer treaty England assumed joint responsibility with us in the protection of the canal, and for such responsibility in the event that we constructed the canal she would have enjoyed equal rights with us in its use, though we would have provided all the money; she would have expended none.

The treaty was one-sided and very distasteful to the American people. It would have been abrogated if it had not been superseded. This England knows. Yet now she has the effrontery to claim that under the present treaty she has all the rights she had under that treaty and none of the responsibility. It certainly is an interesting proposition for the patriotic American to reflect upon when he is told that the Hay-Pauncefote treaty relieves England from all the responsibility for the defense of the canal which the Clayton-Bulwer treaty imposed, but forfeits to her none of the rights or privileges in its use. Such an astounding proposition is almost inconceivable, yet that is the English interpretation which Mr. Wilson asks us to accept.

#### THE ECONOMIC ASPECT INCIDENTAL.

I shall not discuss at length the economic question, because in this controversy it is only incidental. The great issue here

is our sovereignty over this canal, which will cost us \$400,000,000, and is of vital importance to our national defense.

In the enactment of the existing law Congress has applied the same rule to the canal that it applies to all other domestic waterways. We have expended more than \$700,000,000 on the improvement of our waterways and harbors. This vast sum has been spent for the aid of navigation and commerce. Of this amount approximately \$300,000,000 has been expended on the Mississippi River and its tributaries. Millions have been spent upon canals. About 200 locks on our canals and rivers are now being operated by the Government, and hundreds of officers and men are being employed on that work. Yet not a dollar is charged American coasting vessels for the use of canals, rivers, or harbors.

American vessels engaged in the coastwise trade sail upon our rivers and pass through all of our canals free of tolls. They are permitted to enter every harbor in the United States without the payment of port charges. That has been our national policy. Whether we should change it or not is a proper question for the consideration of Congress. But there is no justification in changing that policy for the Panama Canal only because it is to be a real competitor with the transcontinental railroads. The law of 1912 makes no distinction between the Panama Canal and the other canals which the Government has constructed and operates. It applies the same rule to Panama that is applied to all others. It is claimed by some that we should now change our policy, so far Panama is concerned; and they allege that this exemption of tolls is a subsidy to American ships and is only beneficial to a trust. This statement is made because our navigation laws require all vessels engaged in the coastwise trade to be built in American shipyards and manned and operated by American seamen. These provisions of the law therefore cut out of our domestic commerce foreign ships and give the business exclusively to Americans. However, they give no man or set of men a monopoly, because the field is open to all American citizens. You might as well say that officeholding in the United States is in the hands of a trust, because only American citizens are allowed to hold office.

The argument that free tolls benefits a trust can have no valid effect, however, because the law which it is sought to change makes it impossible for a trust to profit by free tolls, as it specifically provides that neither trust-controlled nor railroad-owned ships shall be permitted to use the canal. This waterway is the only one in the United States that is by law made free from monopoly, yet it is now proposed to tax its use while traffic on all others goes free. The fact is that there is no monopoly of coastwise trade, and all well-informed people know it. But if there were, its very existence would bar it from profiting by the use of the canal, because under the terms of the law its ships could not use it. The law provides that—

No vessel permitted to engage in the coastwise or foreign trade of the United States shall be permitted to enter or pass through said canal if such ship is owned, chartered, operated, or controlled by any person or company which is doing business in violation of the provisions of the act of Congress approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies."

The allegation of the " repealers " that free tolls benefits only a trust or monopoly is not an honest argument. The truth is that if railroad-owned and trust-controlled ships had not been barred from the canal we would never have had this repeal bill before us. That is where the shoe pinches, and that is where this controversy started. This ingenious and dishonest argument has been used by designing men to confuse the public mind and cover up the real purpose of this bill, and many sincere and patriotic people have been misled by their declarations.

#### OF ADVANTAGE TO THE FARMING INTERESTS.

As I have said, I shall not discuss at length the economic advantages of free tolls, because that is not the vital question. However, I will say in passing that the tollgate is a relic of the past, and it will never be restored upon American highways nor will it ever be permanently established on any American waterway. To anyone who will study the question, there is conclusive evidence that free tolls would be of inestimable advantage to all of the people, especially those engaged in agricultural pursuits, not only on the Pacific coast but from the foothills of the Rocky Mountains to the Atlantic seaboard. The greatest necessity of our vast farming region to-day is cheap transportation for its products, and the canal, if free, will become a powerful factor in bringing that about. Excessive freight rates is to-day the heaviest burden upon the farmers of the Middle West. In this era of free trade for farm products our own markets are open to the foreign farmer at cheaper freight rates than those charged our own people, and I will further suggest that it seems to me if this administration was as much interested in preserv-

ing and enlarging the markets for the American farmer as it seems to be in preserving and increasing the freight rates for the railroads, it would be rendering the country a far more valuable service. But I will not at this time pursue that branch of the subject further. Let the law stand as it now is, and if later we need the revenue that could be obtained by taxing our domestic commerce, then we can easily provide a system of tonnage tax via Panama and on all of our waterways so as to obtain the revenue desired. For the present it is not necessary.

The important question now is not " Shall we exempt coastwise commerce from tolls? " but " Have we the right to control our own canal constructed on our own soil with our own money? " Why does Great Britain complain of the exemption of tolls at Panama, while she has never complained of the exemption of port charges on coastwise vessels in American ports? Evidently because she has domestic ports and vessels of her own which she desires to favor and which she has favored for over a century, and she can not claim the right to favor her own vessels engaged in domestic trade in her ports and at the same time object to us favoring our vessels when engaged in domestic trade in our ports. However, she does not own an isthmian canal and we do, and she can claim the right to use our canal without danger of having to yield a similar privilege to us, so she insists that she has the same rights in the use of that canal which we have, though she has not expended a cent in its construction nor has she any responsibility as to its maintenance and defense. England owns about half the merchant vessels that sail the seas. She will therefore use this great waterway as much as all other nations. She is the greatest world empire; the sun never sets upon her widely extended dominions. These vast possessions that reach every quarter of the earth are bound together by commercial routes and business ties. Her ships mark out the paths of ocean commerce. This canal which we have built brings her in closer touch with all her enormous world-wide interests. It benefits her more than all the remainder of Europe. In its construction we have rendered her the greatest service ever rendered to one nation by another in the commercial history of the world, and this has been done without price or reward. Commercially, the canal will be of far greater advantage to her than to us. Probably five times as many English as American vessels will pass through it. In the face of this condition it certainly is an astounding proposition for England to ask us to incur all of the risk, bear all the burden of construction with the attendant dangers of failure, take all the chances of inadequate revenues for maintenance, make up the deficiencies, if any occur, from our Treasury, and then give her all the advantages in every detail that we have in the use of the canal. Yet that is what England asks, and Mr. Wilson proposes that we shall give it to her. " right or wrong, " because she asks it. We have constructed the canal at our own expense on territory which we acquired and paid for, but she says, " You have no rights that I can not enjoy equally with you. 'Tis true you pay the bills—but I enjoy the fruits. " And to add to the hilarity of the occasion the American ambassador at the English court in a public address recently declared that it gave us great pleasure to realize that this canal was to be of far greater benefit to England than to ourselves, which statement we are told was vociferously cheered by his English audience. Search the pages of modern history if you will, and where can another such illustration of nerve and burlesque be found? I have no unfriendly feeling toward the people of Great Britain. England was the home of my ancestors. I want our Nation to have the most cordial relations with the British Empire, but we owe a duty to our own country and her people that is superior to that of any other country on the earth. Let me ask in this connection, Why should we make such great national sacrifice for English welfare and profit? Has she ever endeared herself to us by acts of national generosity?

While thousands of the English people have always been friendly to this Republic, yet the Government of Great Britain has never found our country in a critical position but that she showed an unfriendly attitude. To win our national existence we had to defeat her armies; to establish our commercial freedom on the seas, we had to sink her ships of war; to maintain our national unity, we had to defend ourselves against her dishonorable diplomatic intrigues and the violations of her treaties; to protect the rights of our fishermen on the Atlantic waters, we were compelled to sacrifice an empire in the Northwest that was ours by every right. She has been our enemy in every hour of need, and never once since the Revolutionary patriots shed their blood at Bunker Hill has she not rejoiced when misfortune befell us. But never has the audacity of her selfishness been more manifest than at the present time, and unfortunately for this country we are represented at the British court by an

ambassador who, in his eagerness to obtain English smiles and flattery, apparently forgets the interests of his own country. Indeed, it seems to me that the present administration in its anxiety to please the foreigner is too willing to sacrifice the interests of our own people. It has opened up the home market of the American farmer to his foreign competitor; it now proposes practically to surrender the sovereignty of the canal to Great Britain without compensation; and, as the crowning act of this policy, it recommends that with humble apology we contribute twenty-five millions of the money of our own people to soothe the feelings of the political adventurers now in control of the Colombian Government.

ENGLAND PRACTICALLY CONCEDED OUR RIGHT.

The preposterous claim of Great Britain was rejected by Secretary Knox, and the right of the United States to exempt her coastwise vessels from tolls was practically admitted by Mr. Mitchell Innes, in charge of the British diplomatic office in Washington, in a letter, under date of July 8, 1912, in which he says:

As to the proposal that exemption shall be given to vessels engaged in the coastwise trade, a more difficult question arises. If the trade should be so regulated as to make it certain that only bona fide coastwise traffic which is reserved for United States vessels would be benefited by this exemption it may be that no objection could be taken.

By this statement the English Government practically conceded the point at issue, and if certain Americans had not at that time rushed to her aid against their own Government, this controversy would not be now before the American Congress. Unfortunately, after this concession had been suggested by the English representatives; after this diplomatic victory had practically been won by Mr. Taft and Mr. Knox, and American sovereignty established, the senior Senator from New York [Mr. Roor] made a vehement speech in the Senate in behalf of the English claim. Then began one of the most systematic efforts to develop a false American public opinion that has ever been made in the history of the United States.

This speech of Mr. Roor, as well as other literature upon the English side was circulated by the hundreds of thousands and millions, and paid for out of the funds of the Carnegie Peace Foundation Association, an organization endowed by Andrew Carnegie. Thousands of dollars have been expended in disseminating this English view throughout the country and misleading public opinion. This campaign has been ingeniously carried on. This literature has been distributed to hundreds of thousands of teachers, professors in colleges, ministers, lawyers, and other professional men in a most insidious and skillful way. These thoughtful men and women, receiving but the one side of the argument, have been led to believe, in many instances, that we have been guilty of a wrong to Great Britain; that we have violated a sacred promise and obligation; that we have done a dishonorable act. This association, alleged to be organized for the promotion of peace, has used its enormous resources to slander its own Government and stir up strife in its own country. I have been advised that the Secretary of State, Mr. Knox, felt keenly this unwarranted interference when the negotiations between the two countries were in progress, and I am told that he believes that had it not been for such interference the incident would long since have been closed to the satisfaction of both nations, barring, of course, the selfish interests of the transcontinental railroads in the controversy. England quickly took advantage of her powerful American allies, and as a result we have this bill before us now. In all her diplomatic history, as varied and questionable as it has been, she probably has never won such a unique and surprising victory. And the American Republic, as weak and ineffective as has been her diplomacy, probably in all her disappointments has never experienced such a humiliating episode.

THE GREATEST ACHIEVEMENT OF THE CENTURY.

Senators, we are about to complete the construction of a canal severing the two American continents. It has been the dream of three centuries. Its accomplishment is the greatest achievement of the kind in the history of the human race. It has been worked out in a climate the most deadly in which white men have ever toiled. Others have tried and failed. France strove desperately for success. She searched the recesses of the earth for men who could withstand the deadliness of the climate, but all of her efforts ended in failure. Three out of four of the men who had been employed by her on this work were killed by climatic diseases. Yellow fever was a scourge, and malignant malaria was no less fatal. But through the genius, the patriotic industry, and the inflexible determination of the Medical Corps of the United States Army we conquered the climate itself and made Panama as healthy as Washington. This, the greatest engineering achievement of history, has been wrought by American engineers and accomplished by American

genius. Some of our best men have given their lives to this mighty task, and now after these heroic sacrifices, which stir the patriotic ardor of every loyal American, are we to yield our sovereignty over its waters? Others may answer this question as they will, but for me I say, Never while the story of Bunker Hill is a cherished memory or the Mississippi River is an American possession. The canal is ours, the product of our industry and genius. Built with the hundreds of millions cheerfully contributed by our people, it is dedicated by us to the service of mankind upon terms that are just, but which we must prescribe independently of the coercive influence of any other nation. Let us not now blot the history of this heroic achievement by an act of subserviency to English arrogance or American greed. But let us stand upon our proprietary rights as the builder of the canal and invite the nations of the earth to profit by its use, pledging equal, just, and fair treatment to all, the weak as well as the strong.

Mr. O'GORMAN. I ask that the canal-tolls bill be temporarily laid aside.

The VICE PRESIDENT. Without objection, that will be done.

MIRICK BURGESS.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

Mr. GALLINGER. Will the Senator withhold the motion a moment?

Mr. KERN. I withhold the motion.

Mr. GALLINGER. I desire to ask unanimous consent for the consideration of the bill (S. 5065) to correct the military record of Mirick Burgess. It will take but a moment, and if it leads to debate I will withdraw it.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Mirick Burgess, who was a private of Company I, Third Regiment New Hampshire Volunteer Infantry, and of Company H, Twelfth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of the last-named company and regiment on March 28, 1863: *Provided*, That no pay nor bounty shall accrue or become payable by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Mirick Burgess."

CODIFICATION OF MINING LAWS.

Mr. SMOOT. I ask unanimous consent for the present consideration of Senate bill 4373, to provide for a commission to codify and suggest amendments to the general mining laws. I will say to the Senator from Indiana that if it leads to any discussion at all I will withdraw the request.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Mines and Mining with amendments.

The first amendment was, on page 1, line 3, after the word "shall," to insert "nominate and, by and with the advice and consent of the Senate," and in line 5, after the word "members," to strike out "one of whom shall have had practical experience in the operation of mines, one a lawyer of experience in the practice of mining law, and the third a member of the United States Geological Survey," and insert "two of whom shall be lawyers of large experience in the practice of mining law and one a mining engineer who shall have had practical experience in the operation of mines," so as to make the section read:

That the President shall nominate and, by and with the advice and consent of the Senate, appoint a commission of three members, two of whom shall be lawyers of large experience in the practice of mining law and one a mining engineer who shall have had practical experience in the operation of mines.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 8, after the word "laws," to strike out "*Provided*, That said code shall not deal with lands containing deposits of coal, oil, gas, phosphates, or soluble potassium salts," so as to make the section read:

Sec. 2. That it shall be the duty of the commission so appointed to prepare for the information and use of the President and Congress a

tentative code of laws providing for the location, development, and disposition of mineral lands and mining rights in the lands of the United States, including the Territory of Alaska, as in the opinion of the commission are best adapted to existing conditions and will correct defects or supply deficiencies in existing general mining laws.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 15, after the word "desirable," to strike out "amendment" and insert "amendments," so as to make the section read:

SEC. 3. That the commission shall hold public hearings in the principal mining centers in the western United States and Alaska; invite and receive suggestions and opinions bearing upon or relating to existing mining laws or desirable amendments thereof; and may also consider the laws and experience of other countries with respect to disposition and development of mines and minerals.

The amendment was agreed to.

The next amendment was, in section 4, page 2, line 21, before the word "shall," to strike out "That on or before the 1st day of January, 1915, the commission" and insert "That within one year after the passage of this act, at which time the said commission shall expire, it"; and in line 24, before the word "tentative," to strike out "fully drafted," so as to make the section read:

SEC. 4. That within one year after the passage of this act, at which time the said commission shall expire, it shall submit to the President full report as to its operations, conclusions, and recommendations, including in or transmitting with said report a tentative code of mineral laws, as provided in section two hereof, and within 30 days from receipt thereof the President shall transmit the same to Congress with his recommendations.

The amendment was agreed to.

The next amendment was, in section 5, page 3, line 3, after the word "commissioners," to strike out "not in the Federal service," so as to make the section read:

SEC. 5. That each of said commissioners shall receive a salary of \$500 per month, and for the payment thereof and of the actual and necessary expenses of the commission, including traveling expenses, the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE P. CHANDLER.

Mr. HITCHCOCK. I ask unanimous consent for the present consideration of the bill (S. 1703) for the relief of George P. Chandler.

The VICE PRESIDENT. Is there objection? The Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that in the administration of the pension laws George P. Chandler, who was a private of Company F, One hundred and ninety-first Regiment Pennsylvania Infantry Volunteers, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 27th day of September, 1864. But no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### POSTAL SAVINGS-BANK FUNDS.

Mr. KERN obtained the floor.

Mr. BRYAN. Mr. President—

Mr. KERN. I yield to the Senator from Florida.

Mr. BRYAN. I ask unanimous consent to take up the bill (H. R. 7967) to amend the act approved July 25, 1910, authorizing a Postal Savings System. I understand there is to be no further debate upon the bill. I have expected to get it up to-day and get it out of the way one way or the other. The Senator from New Hampshire [Mr. GALLINGER] was absent when the bill was last before the Senate. I apprehend that he does not desire to discuss it, and, so far as I know, no one else does. I should like to get the bill passed in whatever shape the Senate determines upon, so that it may get into conference and whatever legislation we propose to enact on the subject may be out of the way.

Mr. SMOOT. I will say to the Senator that I have no objection at all, but the Senator from Massachusetts [Mr. WEEKS], who is not in the Chamber, I understand desires to offer an amendment. For my own part, I would not object at all to the consideration of the bill at this time.

Mr. BRYAN. It was understood yesterday that the chairman of the Committee on Agriculture and Forestry, who has in charge the Agricultural appropriation bill, would not call it

up to-day, and I think it was pretty well known that as soon as the speeches were delivered, for which notices had been given on the calendar, we would then take up the postal savings-bank bill.

Mr. SMOOT. I was not aware of that, and I suppose there may be Senators not now here who were not aware of it. Really I think we ought to try to get the Senators here who have signified their intention to offer amendments to the bill before its final passage.

Mr. BRYAN. The Senator will have time to do that.

Mr. SMOOT. Not if the bill is to be passed this afternoon.

Mr. BRYAN. I do not know, of course, where the Senator from Massachusetts is. I do not know where he has gone.

Mr. GALLINGER. Mr. President, I have offered an amendment to the bill.

Mr. BRYAN. That is the amendment which is pending.

Mr. GALLINGER. I am quite willing, so far as I am concerned, to have a vote taken upon that amendment at any time. I have no disposition to delay the bill. I hope my amendment will be agreed to. At any rate I will take my chances. But the Senators from Massachusetts are greatly interested in the bill, and I really think they ought to be present when it is considered. However, I do not speak for either of the Senators from Massachusetts except to make this suggestion.

Mr. BRYAN. I will say to the Senator from New Hampshire that both the Senators from Massachusetts have discussed the bill, and I notified the junior Senator from Massachusetts that at any opportunity which would occur I would call it up and he placed no objection in the way of the consideration of the bill whenever it could be reached.

Mr. NORRIS. Does the Senator expect to dispose of the bill this afternoon?

Mr. BRYAN. Yes; that is what I had hoped to do.

Mr. NORRIS. I should like to say to the Senator that I have no disposition to delay it and would just as leave go ahead with it now as at any time; but I have an amendment that I am going to offer as soon as the pending amendment is out of the way, and that amendment will probably bring on some debate. I anticipate that there will be some discussion upon the amendment, although, as far as I am personally concerned, I am just as willing to take it up now as at any other time.

Mr. KERN. The only difficulty I see about an immediate vote is that several Senators were informed there would be an executive session immediately upon the conclusion of the speeches which were to be made to-day. Whether any of those gentlemen desire to be present when the bill is considered I do not know.

Mr. GALLINGER. I will appeal to the Senator from Florida, who is always fair-minded, that those of us who desire to amend the bill, if he will allow it to go over, will assist him in getting early consideration.

Mr. BRYAN. Very well, Mr. President; but I want to give a general notice now that I shall expect to ask that the bill be taken up at any and every opportunity that may offer.

Mr. GALLINGER. I think it is proper the Senator should give that notice.

Mr. BRYAN. I withdraw the request for the present.

#### EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 8 minutes spent in executive session the doors were reopened and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 8, 1914, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate May 7, 1914.*

#### PROMOTIONS AND APPOINTMENT IN THE NAVY.

Lieut. Commander Frank H. Brumby to be a commander in the Navy from the 9th day of April, 1914.

Lieut. Frank R. McCrary to be a lieutenant commander in the Navy from the 5th day of March, 1914.

Ensign Kinchen L. Hill to be a lieutenant (junior grade) in the Navy from the 6th day of June, 1913.

Lieut. (Junior Grade) Weyman P. Beebler to be a lieutenant in the Navy from the 22d day of February, 1914.

Asst. Naval Constructor Roy W. Ryden to be a naval constructor in the Navy from the 30th day of April, 1914.

Asst. Naval Constructor Waldo P. Druley to be a naval constructor in the Navy from the 30th day of April, 1914.

William McKinney, a citizen of Kansas, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 1st day of May, 1914.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate May 7, 1914.*

##### COLLECTORS OF INTERNAL REVENUE.

Edward D. McCabe to be collector of internal revenue for the fifth district of Illinois.

Julius F. Smietanka to be collector of internal revenue for the first district of Illinois.

##### UNITED STATES MARSHAL.

Christopher C. Gewin to be United States marshal for the southern district of Alabama.

##### PROMOTIONS IN THE NAVY.

##### ASSISTANT NAVAL CONSTRUCTORS.

Walter W. Webster.  
Beirne S. Bullard.  
Ernest L. Patch.

##### POSTMASTERS.

##### CONNECTICUT.

Andrew Leary, South Norwalk.

##### KANSAS.

L. L. O'Meara, Onaga.

##### KENTUCKY.

James D. Via, Clinton.

Frank K. Wylie, Princeton.

##### MONTANA.

Clemens H. Fortman, Helena.

##### NORTH CAROLINA.

James D. Babb, Murfreesboro.

##### OHIO.

William J. Murphy, Cleveland.

##### SOUTH DAKOTA.

George M. Barnett, Carthage.

##### TEXAS.

J. J. Evans, Bloomington.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, *May 7, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, infinite Spirit, our heavenly Father, for that germ of divinity which Thou didst implant in the heart of man which makes him a living soul and which has ever been pushing him out of darkness into light, out of ignorance into knowledge, out of error into truth, out of the animal into the spiritual; the earnest which promises victory for all who strive for the mastery under the spiritual leadership of Thy Son Jesus Christ. Amen.

The Journal of the proceedings of yesterday were read and approved.

##### CONTESTED-ELECTION CASE—GILL V. DYER.

Mr. GOLDFOGLE. Mr. Speaker, by direction of the Committee on Elections No. 3, I present a report (No. 629) in the case of Michael J. Gill versus L. C. Dyer, from the twelfth district of the State of Missouri. There was an understanding that the minority should have leave to present and file its views, and I should like to ask the gentleman from Illinois [Mr. McKENZIE], the ranking member of the minority, whether he is prepared to file the minority views.

Mr. McKENZIE. Mr. Speaker, I will say to the gentleman from New York that we are not prepared, and I had the impression that when the majority report was filed that we then should have an understanding as to the number of days to which we would be entitled in which to prepare the minority views.

The SPEAKER. How many days does the gentleman wish?

Mr. McKENZIE. I would like to have 10 days, Mr. Speaker.

Mr. RUPLEY. Mr. Speaker, I would like to interrogate the gentleman from Illinois [Mr. McKENZIE]. Do you recollect that at the last meeting of the Election Committee No. 3 you requested time in which to prepare minority views?

Mr. McKENZIE. Yes, sir.

Mr. RUPLEY. Was that not more than 20 days ago?

Mr. McKENZIE. As I remember it, I said at that time that I would desire at least a week's time in which to prepare the minority views.

Mr. RUPLEY. The thought of your fellow committeemen at the time was that during that interim the minority on that committee were to prepare the minority views and file them with the majority report at an early date in the House of Representatives.

Mr. McKENZIE. Is the gentleman speaking for the Republicans on that committee or for himself?

Mr. RUPLEY. I am speaking in answer and responsive to the declarations of the members of the minority on that committee at the time of our last committee meeting.

Mr. McKENZIE. I will say, Mr. Speaker, that the gentleman is not expressing my views nor my intention, and neither can he speak for me.

The SPEAKER. What the Chair wants to find out is how much time the gentleman desires, so that the Chair may put the question.

Mr. McKENZIE. I would like to have 10 days, Mr. Speaker.

The SPEAKER. The gentleman from Illinois [Mr. McKENZIE] asks for 10 days in which to file the views of the minority in the case of Gill versus Dyer. Is there objection?

Mr. GOLDFOGLE. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Illinois [Mr. McKENZIE] whether, in view of the attitude of the committee and of the expressed desire on the part of a number of the committee to bring this matter to an early conclusion, 8 days might not suffice, or 7 days?

Mr. McKENZIE. The chairman of the committee has been very gentlemanly in this matter; if satisfactory to him, I will try to do that in order to hasten this case along.

The SPEAKER. The gentleman from Illinois [Mr. McKENZIE] asks for 8 days in which to file the views of the minority in the case of Gill versus Dyer. Is there objection?

Mr. BUCHANAN of Illinois. Mr. Speaker, reserving the right to object, I would like to ask the chairman of the committee about how much time will be taken to consider this report?

Mr. GOLDFOGLE. That is quite difficult to answer. I would, however, answer the gentleman from Illinois by saying, as I said here yesterday, that the testimony in the case is very voluminous. There are a number of questions of law arising, and that have been so far disposed of by the committee. The briefs were quite voluminous, and, of course, I am quite unable to answer the gentleman from Illinois as to the precise time it will take to dispose of the matter on the floor.

Mr. BUCHANAN of Illinois. I would like to ask my colleague if he could not prepare this minority report in about four days? Four days is a great deal of time at this period of the Congress, and probably after that we will have more important legislation before the House. It seems, due to the fact that delay has been so great in regard to this report, that four days ought to be sufficient.

Mr. MANN. Mr. Speaker, would the gentleman from Illinois [Mr. BUCHANAN], my colleague, permit me to make a suggestion? It has always been the custom of the House that the minority be given a reasonable time in election cases in which to file their views after the majority report has been presented to the House. Sometimes they have had two or three weeks. I think this is a very limited time proposed in comparison with the precedents heretofore.

Mr. BUCHANAN of Illinois. I do not want to be unreasonable, but I would like to see the work that is before the House expedited as much as possible.

Mr. UNDERWOOD. Will the gentleman from New York yield?

Mr. GOLDFOGLE. With pleasure.

Mr. UNDERWOOD. I think in the case where the right of a Member to a seat in this House was involved it has always been customary to allow the minority a reasonable time in which to present its views, and, with the pressure of other business, I do not see where it is going to be possible for the gentleman from Illinois [Mr. McKENZIE] to get that report ready before 10 days, and I can not see any reason why the gentleman's request should not be granted, that his side of the House may have a full opportunity to present their views properly.

Mr. GOLDFOGLE. Mr. Speaker, I want to say that I thoroughly agree with the gentleman from Alabama [Mr. UNDERWOOD]. No one is more conscious than I of the difficulty that presented itself throughout this entire case in reaching a final conclusion; and, as the gentleman from Alabama very properly observed, in the case of a sitting Member it is customary to afford a reasonable time to prepare minority views. It is but fair that such opportunity be given him. It is true the gentle-

man from Illinois [Mr. McKENZIE] had a copy of the committee print of this report, but I can well understand the difficulty that possibly attends the preparation of the minority report. There was considerable difficulty in the preparation of the majority report.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. McKENZIE], that he be permitted 8 days in which to file the views of the minority in the case of Gill versus Dyer?

Mr. BUCHANAN of Illinois. I have no objection.

The SPEAKER. The Chair hears no objection.

Mr. DONOVAN. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Connecticut rise?

Mr. DONOVAN. I reserve the right to object in order to ask the chairman of the committee a question. I would like to ask him when the majority came to a conclusion? How long ago was it?

Mr. GOLDFOGLE. I understand the matter has been disposed of, Mr. Speaker, so far as giving the minority the right to file their views is concerned.

The SPEAKER. Oh, no. The Chair tries to be fair about these things. The gentleman from Connecticut [Mr. DONOVAN] was on his feet claiming recognition.

Mr. GOLDFOGLE. Certainly.

The SPEAKER. Does the gentleman intend to answer the question of the gentleman from Connecticut [Mr. DONOVAN]?

Mr. DONOVAN. How long ago did they come to a conclusion?

Mr. GOLDFOGLE. The gentleman means how long ago they agreed upon the report?

Mr. DONOVAN. Yes.

Mr. GOLDFOGLE. Why the report was agreed upon, as nearly as memory serves me, a little over a fortnight ago. The understanding was that the report should be in print and sent to the different Members before submission. Our understanding was carried out.

Mr. DONOVAN. Was it not more than six weeks ago?

Mr. GOLDFOGLE. No.

Mr. RUPLEY. Mr. Speaker—

Mr. DONOVAN. You have had this nearly 14 months in your possession. Have you not found it out in 14 months?

Mr. GOLDFOGLE. No, Mr. Speaker. The gentleman is in error about the time the committee reached its conclusion and determined on the form of the report.

The SPEAKER. Does the gentleman from Pennsylvania [Mr. RUPLEY] desire recognition?

Mr. RUPLEY. Yes, Mr. Speaker. Reserving the right to object, in answer to the inquiry of the gentleman from Connecticut [Mr. DONOVAN], I desire to state that the committee reached a definite conclusion on the 13th of April, and after many hearings; and at this time the minority Members promised, as I understood, and agreed within a very short time to prepare a minority report. But now nearly a month has passed and nearly three weeks since the report of the majority was prepared and more than 10 days since that report was printed.

The SPEAKER. Is the gentleman seeking to object to the minority having the right to file a report here in the contested-election case?

Mr. RUPLEY. I do not object to the minority having the right to file a report, but I do object to any delay in this case, because we have decided that the electors of the twelfth district of Missouri have elected Michael J. Gill as their Representative, and that district has been represented for about 14 months by one who we have declared by a large vote in the committee was not elected by the electors of the twelfth Missouri district.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. McKENZIE] that the minority shall have 8 days in which to file their views in the contested election case of Gill against Dyer? [After a pause.] The Chair hears none.

Now, the Chair wants to make a remark himself. From now on he is going to exercise whatever authority he has in recognition to crowd through the appropriation bills and the other necessary business of this House. [Applause.]

Mr. GOLDFOGLE. Mr. Speaker, I would like to ask the gentleman from Illinois [Mr. McKENZIE] whether he has any objection to setting down the consideration of this election case for the 20th of this month?

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman from New York [Mr. GOLDFOGLE] to withhold his request. This is a privileged matter, and when the time comes of course it will be taken up and disposed of.

Mr. FITZGERALD. And it would delay Calendar Wednesday. [Laughter.]

Mr. GOLDFOGLE. Mr. Speaker, I accede to the request of the gentleman from Alabama [Mr. UNDERWOOD].

#### AMERICAN REFUGEES FROM MEXICO.

Mr. MURRAY of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the treatment and condition of the refugees from Tampico, Mexico, by printing a letter written me by I. K. Berry, an orange and pineapple farmer of Tampico, but formerly a citizen of Oklahoma, a brother of Col. G. M. Berry, a very prominent citizen of Pawnee, Okla., and one of the strong members of the constitutional convention of our State.

The SPEAKER. The gentleman from Oklahoma [Mr. MURRAY] asks unanimous consent to insert in the RECORD a letter from one of his constituents, who is a refugee from Mexico. Is there objection?

There was no objection.

Mr. MURRAY of Oklahoma. The statement of the conditions and treatment of these refugees constitutes a very grave and sad incident, and one which I feel should not be condoned, excused, or extenuated, because it may affect the future protection of American citizens, their homes, and property in foreign lands.

The letter written me and the information sent is as follows:

GALVESTON, TEX., May 4, 1914.

HON. W. P. MURRAY.

DEAR SIR: I have been a citizen of Oklahoma since 1875 until last January two years ago. I am a brother of G. M. Berry, who was in the constitutional convention with you at Pawnee, Okla. I went to Tampico, Mexico, and invested everything I had in an orange, pineapple, and fruit farm just 1 mile from the center of Tampico. From December 10 to the 13th the fight between the rebels and federals shot through my house and orchard and did me a great deal of damage, federals taking my horses and stock away from me after the fight was over. But on February 5 following, the Huerta soldiers tore down my fences and took possession of my orchard, dug trenches, tore down trees, and ruined my fruit, and there was from 200 to 250 camped there from February 5 up to the present, night and day, and about the 18th of April they ordered me to leave the place, broke open my house, and carried off and destroyed all the furniture I had. On the 20th I sent a Mexican boy out there to try to put up the fences and try to protect my house. He came back to Tampico and told me they were tearing my house down and threatened to kill him if he came back there again.

I was stopping with a friend in Tampico on Tuesday, the 21st of April, when news reached Tampico that the American soldiers had taken Vera Cruz. Mobs of Mexicans gathered on every corner shouting to kill the Americans, and a general mob marched up and down the streets, six or seven hundred strong, shooting through houses, smashing in windows, and yelling, "Death to the Americans!" We succeeded in getting to the gunboat about 10 miles out in the ocean under the German and English flags. I did not have time to make arrangements financially, or even to get a change of clothes for myself and son. I have a wife, two daughters, and a son here in Galveston, without the financial means of support. I have money in Tampico, but I can't get it in Galveston. If you can use your influence to have us returned to Tampico, either by water or rail, we will assuredly appreciate it. We have money in Tampico, but here we are paupers, and there are hundreds of others in the same condition. I wish to congratulate you on your remarks in regard to our President's policy in Mexico. If we had enough men in Congress with the backbone that you have, we would not have been dragged off from our homes and our property that we paid large prices for and have them destroyed by those Mexican villains or thieves.

I wish to thank you for what you have already done in our interest and assure you that we all appreciate it.

Yours, respectfully,

I. K. BERRY.

Mr. Berry also sent me the following statement of himself and 371 other Tampico refugees, drawn up on landing in Galveston Harbor—a story of absolute and positive disgraceful conduct of the American Republic:

STATEMENT OF FACTS GIVEN TO THE PEOPLE OF THE UNITED STATES BY 372 TAMPICO REFUGEES ABOARD THE STEAMSHIP "ESPERANZA," LYING IN QUARANTINE IN GALVESTON HARBOR.

#### AMERICAN PROTECTION IN MEXICO.

During the battle between federals and rebels, which raged in the suburbs of Tampico from April 6 to 11, during which much American property was destroyed and Americans driven from their homes and occupations, bitter feeling on the part of the Mexicans toward Americans, whom they curiously blame for all of Mexico's troubles during the past three years, became so intense after the battle that many Americans with all kinds of business in the surrounding country considered it unsafe to move beyond the outskirts of Tampico, and could only do so on special passes issued by Gov. Zaragoza, which allowed them to pass the three federal gunboats anchored in the Paunce River, as most of the traffic for 100 miles in the vicinity of Tampico is handled on rivers. The railroads have been abandoned for months.

This bitterness in Tampico became general and nearly to the extent of viciousness, the Americans keeping as closely as possible to their homes and places of business, with self-reliance and confidence in themselves and that of their flag to protect their lives and property wherever they might be.

At nearly the height of this dangerous crisis, and through somebody's stupidity, the flagship *Dolphin*, cruiser *Chester*, and gunboat *Des Moines*, in the harbor and already stripped for action, raised anchor at 9 a. m. April 21 and sailed tranquilly out to sea, withdrawing the last vestige of American protection in Tampico, and with them went from the breasts of 2,000 Americans, men, women, and children, who witnessed it, the last hope, admiration, and pride in their American citizenship and the American flag.

The removal of these vessels and this protection at this crisis of extreme danger and exposure to the mercy of a population who have

only a thin crust of civilization, little reason, and no morals, was little short of an administrative and naval crime. On the Americans who were left behind it had the effect of a funeral procession, which might be followed by many others before the day was done.

No explanation for the withdrawal of the fleet was offered, none as to whether it would ever return. It was still lying tranquilly at anchor on the high seas on April 24, apparently waiting for the fragile Mexican gunboats to come out.

While Americans, at about 4 p. m. April 21, were anxiously discussing the misfortune caused by the removal of the fleet, and now that every man must be the protector of his own life and that of his family, his little interests having been already abandoned, the news of the Battle of Vera Cruz reached Tampico.

Brown, howling mobs, armed with clubs, stones, and pistols, immediately congregated all over the city, parading the streets and howling for "Gringo" blood.

To a Mexican everything with a white face is a hated "Gringo."

Americans immediately rushed to their homes or places of imaginary safety. Englishmen and Germans appealed to their consuls and were hurried aboard their cruisers and merchant ships near the customhouse.

There was but one small American ship in the harbor, a private yacht, which did not dare to display her American flag.

The American consul, Miller, working like a Trojan, with a serious and almost hopeless situation, to preserve the lives of his countrymen, was in consternation. Hundreds of Americans could not reach him through the mobs to ascertain his plans for their protection, if he had any.

Poor Miller, the United States consul, deserted by the American fleet like the rest, left Tampico on a British ship, under the British flag, with the last of the American refugees. American women were refused asylum on British ships until British women were all aboard.

Some 150 Americans, men, women, and children, assembled at the Southern and Imperial Hotels, locked themselves in, and made the best, hurried preparations they could to sell their lives as dearly as possible.

A mob of approximately 600 infuriated Mexicans smashed the windows of American hotels and residences and wrecked Sanborn's American drug store in the corner of the Southern Hotel, beat the hotel doors for two hours in their quest for American blood and possession of the American flag which floated over the hotel. The flag remained and was still floating there when the imprisoned refugees finally left the hotel at midnight.

The American administration, not content with subjecting 2,000 of their citizens and countrymen to these dangers and insults, must force them to drink the cup of its dregs, to assassinate the last vestige of pride for their citizenship and flag by permitting, if they knew it at all, the spectacle of two German officers from the German cruiser *Dresden* coming ashore and notifying the Mexican authorities that if the mobs did not disperse immediately German marines would disperse them, and rescuing the fortified American inmates of the Southern and Imperial Hotels, and taking them at midnight in a drenching rainstorm aboard the German cruiser *Dresden*, where they finally arrived in safety with the exception of a few cut heads and bruises, thankful to God and the German officers that it was nothing worse.

With shame to American manhood, American administration, and naval capacity, and sense of responsibility, be it said, that every American man, woman, and child, abandoned by the only force that should have protected them, was sneaked out of Tampico on ships flying the German and British flags, commanded by German and British officers.

The American yacht *Wakiva*, of the Huastoca Petroleum Co., anchored 2 miles below Tampico, was notified by the Mexican gunboat that if she moved she would be sunk. She finally left the harbor flying the British flag.

The American yacht *Wild Duck*, to which many of the Americans were transferred from the German cruiser *Dresden*, were taken out to the large American fleet at sea, flying the German flag and in command of a German naval officer from the cruiser *Dresden*.

The spectacle of the American administrative blundering stupidity and humiliation at Tampico is ended, and 2,000 disgusted Americans who experienced it are on their way to their own country, with all their little worldly possessions abandoned to the mercy of semisavages. Many of these refugees are without friends or resources in the United States, too old to secure occupation in the already crowded field of competition, and with only the clothing they, their wives, and children wore in the hurried flight from their homes in the endeavor to preserve their lives.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BROWN of New York, for three days, on account of illness in his family.

To Mr. JACOWAY, for five days, on account of illness in his family.

To Mr. SMITH of Texas, indefinitely, on account of important business.

To Mr. KIRKPATRICK, for three weeks, on account of important business.

#### MEMORIAL EXERCISES, BROOKLYN NAVY YARD, N. Y.

The SPEAKER. There being a large attendance here, the Chair will repeat the statement that he made last night, that he intends to appoint the 18 men on this honorary committee from the 18 districts where the sailors and seamen who were killed at Vera Cruz lived, and the gentlemen will please hand in their names.

#### ALBIN ERIC STREAM.

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent to insert in the RECORD a eulogy of Albin Eric Stream, a youth of 17, residing in my congressional district, who on the 22d of April, 1914, was killed at Vera Cruz, Mexico, in the defense of his country's honor.

The SPEAKER. The gentleman from New York [Mr. GRIFFIN] asks unanimous consent to extend his remarks in the RECORD on the subject indicated. Is there objection?

There was no objection.

#### MOTHERS' DAY.

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution that I have sent to the Clerk's desk. It is similar to the resolution passed last year in May on the subject of Mothers' Day. As I wish to leave the city this afternoon after the vote on the naval bill, I would like to have consent to have this resolution considered now by the House.

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] asks unanimous consent for the present consideration of the resolution, which the Clerk will report.

The Clerk read as follows:

#### House joint resolution 263.

Whereas the service rendered the United States by the American mother is the greatest source of the country's strength and inspiration; and

Whereas we honor ourselves and the mothers of America when we do anything to give emphasis to the home as the fountainhead of the State; and

Whereas the American mother is doing so much for the home, the moral uplift, and religion, hence so much for good government and humanity: Therefore be it

*Resolved, etc.,* That the President of the United States is hereby authorized and requested to issue a proclamation calling upon the Government officials to display the United States flag on all Government buildings and the people of the United States to display the flag at their homes or other suitable places on the second Sunday in May as a public expression of our love and reverence for the mothers of our country; and be it further

*Resolved,* That the second Sunday in May shall hereafter be designated and known as Mothers' Day, and it shall be the duty of the President to require its observance as provided for in this resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The joint resolution was passed.

#### CONTESTED-ELECTION CASE—GILL V. DYER.

The SPEAKER. The report presented by the gentleman from New York [Mr. GOLDFOGLE] this morning in the contested-election case of Michael J. Gill against L. C. Dyer, on behalf of Committee on Elections No. 3, will be referred to the House Calendar.

Mr. MANN. I take it that it will be printed.

The SPEAKER. The Chair orders the majority report and the views of the minority to be printed.

#### NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of H. R. 14034, the naval appropriation bill.

The motion was agreed to.

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, with Mr. JOHNSON of Kentucky in the chair.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Pennsylvania [Mr. MOORE] to the amendment of the gentleman from New York [Mr. MAHER].

Mr. MANN. Mr. Chairman, I ask that the amendment be reported.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. MAHER] and also the amendment to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The Clerk read as follows:

Amendment offered by Mr. MAHER:

On page 53, line 12, after the word "each," insert the following: "At least one of the said battleships hereby authorized shall be built and constructed at a Government yard."

Amendment offered by Mr. MOORE to the amendment of Mr. MAHER:

Add the following to the Maher amendment: "Unless it shall be found that but one Government yard is equipped to build a battleship."

Mr. ROBERTS of Massachusetts. Mr. Chairman, I ask that the substitute for those two amendments offered by myself be read.

The CHAIRMAN. There is a substitute offered by the gentleman from Indiana [Mr. GRAY], and the gentleman from Michigan [Mr. J. M. C. SMITH] offered an amendment to that substitute.

Mr. ROBERTS of Massachusetts. The RECORD for last Tuesday does not show that the gentleman from Indiana [Mr. GRAY] offered any substitute. He offered an amendment to the bill

and then an amendment to the amendment, but it nowhere appears that he offered his proposition as a substitute for the amendment of the gentleman from New York [Mr. MAHER]. I call the attention of the Chair to the fact that I did offer a substitute for the amendment of the gentleman from New York [Mr. MAHER] as proposed to be amended by the gentleman from Pennsylvania [Mr. MOORE]. If the Chair will turn to pages 8417 and 8418 of the RECORD of last Tuesday he will see, at the bottom of the first column, on page 8417, that the gentleman from Indiana [Mr. GRAY] secured recognition and said:

Mr. Chairman, I wish to offer an amendment to the amendment offered by the gentleman from New York [Mr. MAHER].

The Chairman had the Clerk report the amendment. Then the following occurred:

Mr. MANN. I make a point of order that that is not an amendment to the amendment offered by the gentleman from New York [Mr. MAHER].

Mr. GRAY. I offer it, then, simply as an amendment, if you make your point of order.

The CHAIRMAN. Does the Chair understand the gentleman from Indiana to withdraw his amendment?

Mr. GRAY. I will withdraw it to offer it again.

Mr. MANN. Does he offer it as an amendment to the amendment or an amendment to the bill?

The CHAIRMAN. The gentleman offers it now as an amendment to the bill.

Mr. GRAY. I do not care how I offer it, so long as it is offered.

Mr. MANN. Under the order that was entered, is debate on this amendment in order? This is an amendment proposing to build in a navy yard.

Mr. GRAY. Have I the right to offer it as a substitute if this amendment is not in order?

Then the gentleman from Illinois [Mr. MANN] answered him as follows:

Mr. MANN. I think so. I think the gentleman has the right to offer the amendment. Is debate on this amendment closed or not?

The gentleman from Indiana merely inquired if he had the right to offer his amendment as a substitute, and was informed by the gentleman from Illinois [Mr. MANN] that he had, but it nowhere appears that he did offer it as a substitute.

Mr. FITZGERALD. What does the Journal show?

The CHAIRMAN. The Journal does not show anything about it, because it was in Committee of the Whole; but the gentleman from Massachusetts [Mr. ROBERTS] will see that on page 8421 an inquiry was propounded by the gentleman from Wisconsin [Mr. STAFFORD]; that in the meantime the gentleman from Indiana [Mr. GRAY] was endeavoring to offer his substitute, and the Chair was clearly of the opinion and is now that the substitute was offered.

Mr. ROBERTS of Massachusetts. Does the Chair have in mind the inquiry made by myself, which appears on page 8418?

Mr. ROBERTS of Massachusetts. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROBERTS of Massachusetts. Is the amendment of the gentleman from Indiana [Mr. GRAY] pending before the committee?

Not the substitute.

The CHAIRMAN. A substitute is an amendment.

Mr. ROBERTS of Massachusetts. Then—

Mr. MANN. It is pending; it was reported.

Mr. ROBERTS of Massachusetts. If so, I desire to offer an amendment to that amendment.

The CHAIRMAN. The Chair is of the opinion that the amendment offered by the gentleman from Indiana [Mr. GRAY] is pending—

And the chair put my amendment to the amendment of the gentleman from Indiana.

The CHAIRMAN. A very plain statement of the situation is this: The gentleman from Indiana [Mr. GRAY] offered his proposition first as an amendment. He next offered it in the shape of a substitute. The Chair will add, in explanation of what he has heretofore said, that the reading clerk informs the Chair that whether the paper offered by the gentleman from Indiana be an amendment or a substitute, it was not reported—

Mr. ROBERTS of Massachusetts. The RECORD shows that it was, Mr. Chairman. It was read on page 8417 as an amendment.

The CHAIRMAN. It was read as an "amendment," but the gentleman from Indiana [Mr. GRAY] afterwards changed it to a "substitute," and the clerk says that after he changed it from an amendment to a substitute it was not read.

Mr. BROWNING. Mr. Chairman, I reserved a point of order on that amendment.

The CHAIRMAN. Which amendment?

Mr. BROWNING. The amendment of the gentleman from Indiana [Mr. GRAY]. Now, what has become of that point of order?

The CHAIRMAN. It is not disposed of. It is still reserved. But we are now discussing matters that may not be reached at all. The Chair suggests that it is well enough to let it go until we get to it.

Mr. BROWNING. I want to make the point of order when the proper time comes.

The CHAIRMAN. The Chair does not know of anybody or any condition that has disposed of the point of order which the gentleman says he has reserved.

Mr. GRAY. Mr. Chairman—

The CHAIRMAN. In one minute.

Mr. ROBERTS of Massachusetts. It seems to me it makes considerable difference—

The CHAIRMAN. The Chair wishes to hear the gentleman from New Jersey [Mr. BROWNING]. What does the gentleman from New Jersey wish to say?

Mr. BROWNING. I reserved that point of order, and when the proper time comes I want to make it. If this is the proper time, I want to make it now.

The CHAIRMAN. The Chair does not think this is the proper time. The gentleman has reserved it, and his rights in that respect will be respected.

Mr. ROBERTS of Massachusetts. If the Chair will permit me a moment, it seems to me it makes considerable difference whether the proposition of the gentleman from Indiana [Mr. GRAY] is considered as a substitute for the amendment of the gentleman from New York [Mr. MAHER] as amended by the gentleman from Pennsylvania [Mr. MOORE]. If it is considered a substitute, then it is not possible to amend the proposition of the gentleman from Indiana as I have proposed to do, and it is not possible to offer the amendment to the amendment of the gentleman from New York [Mr. MAHER] as amended by the gentleman from Pennsylvania [Mr. MOORE], as I have proposed in a substitute for those two motions.

The CHAIRMAN. The Chair will explain by saying that when the committee rose on day before yesterday afternoon the amendment offered by the gentleman from New York [Mr. MAHER] was pending; and that pending with it was the amendment thereto offered by the gentleman from Pennsylvania [Mr. MOORE], and also that the paper offered by the gentleman from Indiana [Mr. GRAY] was pending as a substitute. That was the understanding of the Chair. If the RECORD shows something else, the Chair does not know just what disposition can be made of it. That was certainly the understanding of the Chair.

Now, the Chair will hear the gentleman from Indiana.

Mr. GRAY. To clear up the parliamentary situation and to conform to the parliamentary situation brought about by reason of numerous amendments pending, I will withdraw my amendment, which was offered as a substitute, and accept the amendment offered by the gentleman from Massachusetts [Mr. ROBERTS], and then offer my amendment again as a substitute for the amendment offered by the gentleman from New York [Mr. MAHER], which is as follows:

Page 53, line 12, substitute for the amendment offered by the gentleman from New York [Mr. MAHER] and all amendments thereto the following:

"Both of the battleships hereby authorized shall be built and constructed at a navy yard by the Government, and the Secretary of the Navy is hereby authorized to equip such navy yards as he may designate in which the battleships herein authorized are to be built with the necessary building slips and equipment, and the sum of \$200,000, or such part thereof as may be necessary, is hereby appropriated for each navy yard designated by the Secretary of the Navy in which the battleships are to be constructed."

May I briefly state here that the object of this amendment providing for the construction of all battleships at a navy yard by the Government itself is not only to secure all the profits flowing from these appropriations to the workmen constructing these vessels instead of going to a special few ship contractors, long shown and now admitted to be operating under an agreement among themselves, stifling all competition, but it is also for the purpose of taking the profits and financial inducements out of war and preparations for war and confining naval appropriations to the legitimate and necessary requirements for adequate and proper national defense.

Mr. ROBERTS of Massachusetts. I suggest to the gentleman from Indiana that he ask unanimous consent to modify his substitute by adding to his original motion my amendment to it. That will cover the point that both he and I have in mind.

Mr. GRAY. I have already rewritten my amendment and put it in on paper and made the same include the amendment of the gentleman from Massachusetts [Mr. ROBERTS], and I now ask unanimous consent to withdraw my amendment pending and offer this in lieu thereof.

The CHAIRMAN. The gentleman from Indiana can not withdraw his amendment except by unanimous consent, neither can he accept the amendment of the gentleman from Massachusetts except by unanimous consent. Does the Chair understand the gentleman to withdraw the substitute he heretofore offered?

Mr. GRAY. Yes.

The CHAIRMAN. Is there objection?

Mr. FITZGERALD. I object for the present.

The CHAIRMAN. The question is then on the adoption of the amendment offered by the gentleman from New York [Mr. MAHER], with an amendment offered by the gentleman from Pennsylvania [Mr. MOORE]. The question will come first on the adoption of the amendment to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

Mr. BUCHANAN of Illinois. Mr. Chairman, can we have that amendment reported?

The CHAIRMAN. Without objection, the amendment will be once more reported.

Mr. MOORE. Mr. Chairman, I ask the indulgence of the Chair for a half a minute. This amendment is about to be acted upon, and I do not think Members fully understand it. I merely want to say—

Mr. FITZGERALD. I object to any debate.

The CHAIRMAN. Debate is exhausted, and the question is on the amendment to the amendment.

Mr. BUCHANAN of Illinois. Mr. Chairman, I thought the Clerk was to report the amendment.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Add to the amendment of Mr. MAHER the following:  
"Unless it shall be found that but one Government yard is equipped to build a battleship."

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question which now arises is: Has the gentleman from Indiana [Mr. GRAY] a substitute before the House? He sent one up, which he offered as a substitute, and which the Clerk will report. The situation is this: On day before yesterday the gentleman from Indiana offered an amendment, which he afterwards, as the Chair understood, changed and offered as a substitute.

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Did the gentleman from Indiana withdraw his amendment?

The CHAIRMAN. He endeavored to, but the gentleman from New York [Mr. FITZGERALD] objected.

Mr. MANN. Did not the gentleman from Massachusetts offer a substitute?

The CHAIRMAN. The Chair understands that the gentleman from Indiana [Mr. GRAY] desires to withdraw his substitute offered day before yesterday and offer in lieu thereof a substitute embodying his own ideas as well as those of the gentleman from Massachusetts [Mr. ROBERTS].

Mr. MANN. Did not the gentleman from Massachusetts offer a substitute on Tuesday, which is still pending?

The CHAIRMAN. The gentleman from Massachusetts [Mr. ROBERTS] offered a substitute when the Chair was under the impression—and the Chair is still under that impression—that a substitute offered by the gentleman from Indiana was pending, and therefore held that the substitute offered by the gentleman from Massachusetts [Mr. ROBERTS] was in the third degree and not in order.

Mr. MANN. Of course a substitute is not in the third degree; but I understood that the Chair held that the amendment offered by the gentleman from Indiana was an amendment, and that he was now seeking to withdraw it and offer it as a substitute. If that was the case, unless the Chair ruled it out of order—

The CHAIRMAN. The gentleman from Indiana desires to withdraw the former substitute offered by himself and offer one in lieu of that embodying both his idea and the amendment offered by the gentleman from Massachusetts [Mr. ROBERTS].

Mr. JONES. I reserve the right to object.

Mr. MANN. I was not here all of Tuesday, but I understood the Chair to say that there was an amendment offered to the Gray amendment also.

The CHAIRMAN. That is correct. The gentleman from Michigan [Mr. J. M. C. SMITH] offered an amendment to what is known as the Gray substitute.

Mr. ROBERTS of Massachusetts. The RECORD shows clearly and my recollection is clear that I asked the Chair if the amendment of the gentleman from Indiana was pending and was informed by the Chair that it was. That appears on the bottom of page 8418 of the RECORD. Thereupon I offered the amendment, and it is the amendment which the Chair ordered reported, and the point of order was reserved. That was an amendment to the amendment, but it has not been decided yet and held out of order. That is the parliamentary situation.

The CHAIRMAN. The amendment offered by the gentleman from Michigan was to the bill.

Mr. ROBERTS of Massachusetts. And my amendment had no reference to that. My amendment was to the amendment offered by the gentleman from Indiana [Mr. GRAY].

The CHAIRMAN. The amendment of the gentleman from Massachusetts was read only for information.

Mr. ROBERTS of Massachusetts. It does not say so. It says:

The CHAIRMAN. The Clerk will report the amendment.

The CHAIRMAN. The Chair and the gentleman from Massachusetts are somewhat at cross purposes, because the gentleman from Massachusetts offered two amendments. Much of the difficulty between the Chair and the gentleman from Massachusetts has been caused by his reference to one amendment and the Chair's to another.

Mr. ROBERTS of Massachusetts. That is what I am trying to straighten out.

Mr. MANN. Mr. Chairman, there is a very simple way out of it. The gentleman can offer the amendment over again.

Mr. ROBERTS of Massachusetts. Mr. Chairman, what I wanted to call to the attention of the Chair was what I thought was the agreement at the time when we entered the debate on battleships, and that was that amendments could be offered, to be pending, on the proposition as to where the ships should be constructed.

The CHAIRMAN. The Chair is still of the opinion that his first statement straightened the matter out, and that is that the Maher amendment is before the committee, and then that the Moore amendment to that came next. That has been disposed of. The Chair is of opinion that the Gray amendment is next in order.

Mr. ROBERTS of Massachusetts. Mr. Chairman, it depends on whether the Chair holds that to be an amendment or a substitute.

The CHAIRMAN. That is the question we have to get over, whether the gentleman offered it as a substitute or as an amendment. The gentleman first offered it as an amendment and afterwards changed it, as the paper itself shows, to a substitute.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I desire to make a parliamentary inquiry. I desire to know if I am right in my understanding of the parliamentary situation. I understood, and I think many of the Members also understood, that when we fixed the time for debate upon the number of battleships, the question was left open as to when or where or how battleships should be constructed, and at that time it was understood that amendments should be offered and be pending.

The CHAIRMAN. The Chair agrees with that statement.

Mr. ROBERTS of Massachusetts. And that opportunity would be given to further offer amendments before the matter was concluded. In other words, that amendments did not have to be offered at that particular time.

The CHAIRMAN. The Chair agrees with that statement.

Mr. ROBERTS of Massachusetts. I now ask the Chair whether it is in order to offer an amendment at this time?

The CHAIRMAN. The Chair thinks so.

Mr. FITZGERALD. An amendment where?

Mr. ROBERTS of Massachusetts. To this provision where and when the ship shall be built.

The CHAIRMAN. The Chair believes the whole matter will be facilitated if we now take up the proposition offered by the gentleman from Indiana and first vote upon the amendment offered by the gentleman from Massachusetts to that substitute. If the Chair is permitted to go along, he will direct that the vote be taken on the amendment offered by the gentleman from Massachusetts to the substitute offered by the gentleman from Indiana.

Mr. ROBERTS of Massachusetts. Mr. Chairman, that is satisfactory.

Mr. BROWNING. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. Upon what ground?

Mr. BROWNING. That it is new legislation and is not germane.

Mr. JONES. Mr. Chairman, the amendment has not been read. I reserve the point of order.

The CHAIRMAN. That is true, but we have before the committee the substitute offered by the gentleman on Tuesday last.

Mr. FITZGERALD. Mr. Chairman, let it be reported, as well as the amendment offered by the gentleman from Massachusetts.

The CHAIRMAN. Without objection, that will be once more reported.

The Clerk read as follows:

Substitute by Mr. GRAY for the Maher amendment:

"Page 53, line 12, after the word 'each' strike out the period and insert:

"Both of the battleships hereby authorized shall be built and constructed at a Government navy yard."

Mr. BROWNING. Mr. Chairman, I make the point of order that that is new legislation and curtails the authority of the Secretary of the Navy or the President.

The CHAIRMAN. On Tuesday last the Chair ruled upon the amendment offered by the gentleman from New York [Mr. MAHER], and this amendment, in the nature of a substitute, is practically parallel with that.

The Chair therefore overrules the point of order. The Clerk will now report what is known as the Roberts amendment to the Gray substitute.

The Clerk read as follows:

Add to the amendment of Mr. GRAY the following:

"And the Secretary of the Navy is hereby authorized to equip such navy yards as he may designate in which the battleships herein authorized are to be built with the necessary building slips and equipment, and the sum of \$200,000, or such part thereof as may be necessary, is hereby appropriated for each navy yard designated by the Secretary of the Navy in which the battleships are to be constructed."

Mr. JONES. Mr. Chairman, I make the point of order against that amendment or substitute. The Chair has practically decided that question heretofore.

Mr. MANN. Mr. Chairman, just a word upon the point of order. The Chair first decided that an appropriation as an appropriation item in the bill was not in order for the purpose of constructing these building slips, a decision which, I think, was entirely correct; but here is a legislative item in the bill not making any appropriation at all and simply giving authorization for the construction of battleships. The Chair has ruled that we may insert as an amendment to that a provision that one of the ships or both of the ships may be built in a navy yard or navy yards, because the item is not an appropriation, but it is an authorization—a legislative item. The amendment of the gentleman from Massachusetts is germane, as it seems to me; and if you can direct a battleship to be built at a navy yard, then I think it is germane to provide the facilities at the yard with which to build the battleship.

Mr. JONES. Mr. Chairman, may I ask the gentleman a question?

Mr. MANN. Just one moment. It is true it is legislation, but legislation is in order, because the whole paragraph is legislation.

Mr. JONES. Did I understand the gentleman to say that this does not make any appropriation?

Mr. MANN. It does not.

Mr. JONES. It does specifically appropriate \$200,000.

Mr. MANN. I refer to the paragraph in the bill. I say that it does not make any appropriation.

Mr. JONES. The amendment does, and it is to that that I make the point of order. It specifically appropriates \$200,000.

Mr. MANN. Yes; but when there is a paragraph that is legislation in a bill, it is subject to a germane amendment which makes an appropriation. But the Committee on Naval Affairs has gotten into the habit—maybe a correct one; I expect it is—that instead of making an appropriation for battleships it makes an authorization for battleships, which is pure legislation; but because it was legislation the Chair held that you could add a germane amendment to it, a provision that one of the ships should be built in a navy yard. You could also add that one of the ships could be built in a private yard, because it is legislation, and when you have entered upon the domain of legislation any germane amendment to it is in order.

Mr. JONES. But, Mr. Chairman, that is with reference to the ships; this is in reference to a navy yard.

Mr. MANN. I understand.

Mr. JONES. This is legislation in reference to ships. Now, this proposes new legislation with reference to several navy yards in the United States.

Mr. MANN. If the gentleman claims that the amendment is not germane and the Chair should hold it is not germane, of course it is not in order—

Mr. JONES. It is not germane in the first place, and, in the second place, it is new legislation.

Mr. MANN. But the whole paragraph is legislation. Now, it seems to me that if we direct that a ship shall be built in a navy yard, it is a germane amendment to provide the facilities at the yard for building, as a matter of legislation. Certainly if the committee should report a bill as a legislative bill in the House to provide for the building or authorization to the Secretary to have the battleships built in a navy yard, it would be germane to add to the legislative bill a provision fixing

facilities at the navy yard ample to equip it so that it could build the battleships.

Mr. JONES. At the outset, let me say, Mr. Chairman, that this is a most preposterous proposition. This is a proposition to authorize the Secretary of the Navy to expend \$200,000 to equip any navy yard not now so equipped to build the battleships provided for in this bill. Now, the chairman of the Committee on Naval Affairs made it absolutely plain on the last day upon which this bill was under discussion that there was no such navy yard which could be so equipped at anything like this sum. He quoted from a communication from the Secretary of the Navy to the effect that it would cost more than \$600,000 to equip the Mare Island yard to build one of these battleships. This yard, as is well known, is the only navy yard aside from the New York yard that now has a building way and equipment of sufficient capacity to build a large ship, and it will require, according to naval authority, an expenditure of more than \$600,000 to provide the necessary equipment to enable it to build a modern battleship. No other yard, save only the New York yard, which now has the necessary equipment, can be equipped to build one of these ships for less than \$1,000,000. For these reasons the adoption of this amendment would not accomplish the purpose of those who advocate it.

Mr. FALCONER. Will the gentleman yield?

Mr. JONES. Certainly.

Mr. FALCONER. Since there is something like \$12,000,000 or \$14,000,000 invested at the Mare Island yard, why not invest \$600,000 more to put that Government yard in shape so as to build a Government battleship?

Mr. JONES. I will answer the gentleman by saying that no proposition to expend \$600,000 to equip the Mare Island yard is before the House. The proposition before the House is to expend \$200,000, and not a cent more, to equip some navy yard, to be designated by the Secretary of the Navy, to build one of these battleships, and I am endeavoring to point out that there is no navy yard which can be so equipped for anything like this sum. It will require more than \$600,000 to equip even the Mare Island yard, and yet this amendment limits the expenditure to \$200,000.

Mr. ROBERTS of Massachusetts. Will the gentleman yield?

Mr. JONES. I will.

Mr. ROBERTS of Massachusetts. Does not the gentleman recall the appropriation made for the Brooklyn yard for the construction of the *Connecticut* there of \$175,000, and that with the expenditure of that money the *Connecticut* was built at that yard?

Mr. JONES. Mr. Chairman, the gentleman knows perfectly well that the New York yard was partially equipped before this \$175,000 was appropriated. He also knows, I think, that the Secretary of the Navy has informed us, and that as late as two days ago, that it will cost more than \$600,000 to equip the Mare Island yard to build one of these battleships. If the Mare Island yard can not be equipped for \$600,000, no other yard can be save only the New York yard, which already has the necessary equipment.

The CHAIRMAN. The Chair will be glad to hear the gentleman on the point of order.

Mr. JONES. I wish to speak to the point of order. Mr. Chairman, the gentleman from Illinois [Mr. MANN] made a very ingenious argument, but it is the same that has been made from the beginning of the discussion of this bill to the present time. In the first place, the amendment is not germane. It is, moreover, new legislation. The paragraph which it is proposed to amend relates to the building of battleships. The amendment seeks to increase the amount named in the paragraph by \$200,000, that additional sum to be expended in equipping a navy yard to be selected by the Secretary of the Navy at which to build one of the battleships. An amendment that relates to, or provides for, the improvement of a navy yard is not, in my opinion, germane to a provision that relates wholly to ships. It is new legislation, because it is not authorized by existing law, and the appropriation which it carries is not to continue any work now in progress. The Chair held an item to equip the Philadelphia yard so as to enable it to build a transport out of order, and if that ruling is to be followed, then this amendment must also be held to be out of order.

The CHAIRMAN. The Chair does not agree with the gentleman from Virginia that the case which he has just stated is parallel to the one which is now before the committee. The amendment offered by the gentleman from Massachusetts [Mr. ROBERTS] reads as follows:

And the Secretary of the Navy is hereby authorized to equip such navy yards as he may designate in which the battleships herein authorized are to be built with the necessary building slips and equipment, and the sum of \$200,000, or such part thereof as may be necessary, is hereby appropriated—

Mr. JONES. May I ask the Chair a question right there?  
The CHAIRMAN. Yes.

Mr. JONES. It was stated when that other item was under consideration that the law, and the law was cited, permitted the Secretary of the Navy to designate the navy yard in which that transport should be built. And the argument was predicated upon that statute. And then the item proceeded to appropriate \$200,000 to equip the yard. I can not see, with all deference to the Chair, why this is not exactly the same.

The CHAIRMAN. If the gentleman from Virginia had included the Chair for just a moment longer the Chair would have read an amendment which was at one time offered by the gentleman from Massachusetts [Mr. ROBERTS] to the same paragraph in this bill, which can be found in section 3537 of Hinds' Precedents, volume 4, and which reads as follows:

*Provided*, That the Secretary of the Navy shall build at least one of the battleships, one of the armored cruisers, and one of the gunboats herein authorized in such Government navy yard or navy yards as he may designate; and for the purpose of preparing and equipping such navy yard or navy yards as may be so designated for the construction of such ships the sum of \$175,000, or so much thereof as may be necessary, is hereby appropriated for each of the navy yards in which the Secretary of the Navy may direct any such ship or ships to be built.

To that a point of order was made. The occupant of the chair at that time, Mr. Sherman, sustained the point of order. An appeal was made to the committee, and the committee overruled the Chair. The present occupant of the chair is of the opinion that these two amendments are practically the same, and will adhere to the former judgment of the committee as expressed on that occasion. The Chair will also further state that he holds that this amendment is germane, and upon the two points made overrules the point of order.

The question is on the adoption of the amendment offered by the gentleman from Massachusetts [Mr. ROBERTS] to the substitute offered by the gentleman from Indiana [Mr. GRAY].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. JONES. Division, Mr. Chairman.

The committee divided; and there were—ayes 97, noes 11.

So the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I wish to offer an amendment to the amendment offered by the gentleman from Indiana [Mr. GRAY] as amended by the recent vote, to strike out the word "two" and insert the word "one," so that it will read "one of the battleships."

The CHAIRMAN. The motion made by the gentleman from Tennessee—

Mr. BUCHANAN of Illinois. Mr. Chairman, I raise a point of order on the amendment. The amendment that this is a substitute for provides for that amendment.

Mr. PADGETT. I can move to amend a substitute.

Mr. FITZGERALD. The rule is that there may be but one amendment offered to a substitute.

Mr. BUCHANAN of Illinois. I make the point that there can be only one amendment to a substitute.

Mr. PADGETT. This amendment offered by the gentleman from Indiana [Mr. GRAY] provides that both of the ships shall be built in a navy yard. I move to strike out the word "both" and insert "one."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the Gray amendment by striking out the word "both" and inserting the word "one."

Mr. PADGETT. I can move to amend the substitute.

Mr. FITZGERALD. The rule is that there may be but one amendment offered to a substitute.

Mr. BUCHANAN of Illinois. I make the point that there can be only one amendment to a substitute.

The CHAIRMAN. The Chair will not pass upon the question at this time as to whether or not it is an amendment in the third degree, because he does not feel that it is now necessary to do so. But the amendment offered by the gentleman from Tennessee [Mr. PADGETT] is the Maher amendment in substance, which is pending.

Mr. MANN. I think the amendment offered by the gentleman from Tennessee [Mr. PADGETT] is in order. It is true that by itself it would be in effect the Maher amendment, but the committee has the right to take a substitute. Take the actual case, and the House has added to the Gray substitute a provision it may wish to incorporate in the bill. Now, the House may wish to change "two" to "one," and do it on this substitute, and if the Chair should rule it could not do it this way then they would have to go to the trouble of voting another amendment to the Maher amendment.

The CHAIRMAN. The Chair sees the reason suggested by the gentleman from Illinois [Mr. MANN]. The Chair would

like to suggest to the gentleman from Tennessee that his amendment is not complete in striking out "both" and inserting "one." It would be one battleship, at least.

Mr. PADGETT. I move, Mr. Chairman, to strike out the words "both of the battleships" and insert "one of the battleships."

Mr. MANN. That is all right.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the words "both of the battleships" and insert "one of the battleships."

Mr. GRAY. The committee has already voted and decided upon the construction of one battleship at a Government navy yard. Can we now go back and make another decision on the same proposition? If this is true, then there is no final determination of any question considered by the House.

Mr. PADGETT. We have voted down the one.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. PADGETT].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. PADGETT. Division, Mr. Chairman.

The committee divided; and there were—ayes 90, noes 50.

Mr. GRAY and Mr. BUCHANAN of Illinois demanded tellers. Tellers were ordered. Mr. PADGETT and Mr. GRAY took their places as tellers.

The committee again divided; and the tellers reported—ayes 102, noes 55.

So the amendment was agreed to.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I ask unanimous consent that the amendment offered by myself to the Gray amendment and adopted be changed by the Clerk so that it will read in the singular. The Chair and the committee will recall that the Gray amendment provided for the building of two battleships in navy yards, and by the action of the House they have just limited the number to one, and my amendment was adopted when the proposition was before the House to build two. So it will be necessary to change the words that are plural to the singular, and change the verbs to correspond.

The CHAIRMAN. Without objection, the change will be made. [After a pause.] The Chair hears no objection. The question now is on the adoption of the Gray substitute as amended.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. JONES. Division, Mr. Chairman.

The committee divided; and there were—ayes 111, noes 17.

So the substitute as amended was agreed to.

The CHAIRMAN. The question now is on the Maher amendment as modified by the substitute.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Michigan [Mr. J. M. C. SMITH].

The Clerk read as follows:

Page 53, add to the paragraph, at the end of line 12, the following: "That all material used in the battleship or battleships authorized shall be purchased and secured in the United States."

Mr. PADGETT. Mr. Chairman, a point of order was reserved against the amendment, but I want to call attention to the fact that it can not be placed in the bill at that point, for the reason that the House has already adopted an amendment going at the end of line 12, page 53, following the word "each," so that it would have to be at the end of the amendment that has just been agreed to.

Mr. J. M. C. SMITH. Mr. Chairman, I ask, then, that it be transposed to the end of the substitute just adopted.

The CHAIRMAN. The gentleman from Michigan [Mr. J. M. C. SMITH] asks leave to modify his amendment so as to place it at the end of the Gray amendment. Is there objection?

Mr. PADGETT. I make a point of order against it as being legislation, and I ask for a ruling. We must make some progress. I ask for a ruling of the Chair on the point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. PADGETT. I do not care to discuss it. I had just as lief the Chair would rule one way as the other.

The CHAIRMAN. The Chair would like to hear the gentleman.

Mr. PADGETT. It is subject to a point of order because it is limiting the department in its power to purchase material, and it is not authorized on the ship. This is a direction as to the purchase of material. It is legislation. I want to get along with this bill and have the committee vote on it one way or the other.

Mr. MOORE. Mr. Chairman, will the gentleman yield for a suggestion?

Mr. PADGETT. Yes.

Mr. MOORE. If this were made a part of the bill, it would limit the right of the Government to purchase from foreign countries materials entering into the ship, would it not?

Mr. PADGETT. Yes.

Mr. MOORE. Would it also prevent the Secretary of the Navy from buying abroad bunting or material of that kind that goes into the manufacture of American flags?

Mr. PADGETT. It would limit him in the purchase of all materials that go into the ship.

Mr. MOORE. The gentleman is aware of the fact that orders are now pending abroad for bunting out of which flags are to be made, is he not?

Mr. PADGETT. I do not know as to that.

Mr. MOORE. I call the gentleman's attention to the fact that that question is involved, and I hope it will have some bearing on the decision of the Chair.

The CHAIRMAN. The Chair is ready to rule.

Mr. STAFFORD. Mr. Chairman, I do not think there is any question but that it is in order, in consonance with the prior ruling of the Chair. It has been held that the paragraph of which this is a part is distinct legislation. This amendment is legislation, but it is a germane amendment, and therefore it is in order. From my standpoint, I do not think there could be any question, in view of the prior ruling of the Chair.

The CHAIRMAN. The Chair will say to the gentleman from Tennessee that, while the Chair is in sympathy with him as to his attitude toward the amendment, yet the Chair feels constrained to overrule the point of order. The point of order is overruled.

Mr. PADGETT. Now, Mr. Chairman, I simply want to say this with reference to the amendment, that it is simply taking a step in aid of the trusts. The Government of the United States ought to have an open market and be able to buy wherever it can get what it requires, and to limit the purchases to the United States is simply to provide that the Government shall be placed at the mercy of a few bidders.

Mr. CALDER. Mr. Chairman, a point of order. I make the point that debate on the amendment is exhausted.

Mr. HARDY. Mr. Chairman, I wish to offer an amendment to the amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amend the amendment by adding: "Provided, That such material can be bought as cheaply in the United States as elsewhere."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas to the amendment offered by the gentleman from Michigan [Mr. J. M. C. SMITH].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. HARDY. Mr. Chairman, I ask for a division.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Michigan.

The affirmative vote was taken.

Mr. HARDY. Mr. Chairman, I called for a division on my amendment.

The CHAIRMAN. The Chair will say to the gentleman from Texas that in the first place he did not demand tellers soon enough, and in the next instance he made his request for tellers without rising.

Mr. HARDY. I have not made any request for tellers.

The CHAIRMAN. For a division the Chair means to say, and therefore the Chair must consider it as though no request for a division had been made. The question is on the adoption of the amendment offered by the gentleman from Michigan.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. ROBERTS of Massachusetts and Mr. BROWNING demanded a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 47, noes 79.

Mr. MANN. I ask for tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. PADGETT and Mr. J. M. C. SMITH to act as tellers.

The committee again divided; and the tellers reported—ayes 52, noes 82.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Six torpedo-boat destroyers, to have the highest practicable speed, to cost, exclusive of armor and armament, not to exceed \$925,000 each.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] reserves a point of order on the paragraph.

Mr. STAFFORD. Mr. Chairman, my purpose in reserving the point of order is to obtain a ruling of the Chair as to whether this phraseology is in continuation of that carried in the prior paragraph. If it is an appropriation, it is not subject to a point of order; but if it is merely a continuation of the phraseology, then it must be considered that it is legislation and subject to a point of order. I inquire of the Chair whether this section is to be read in connection with the preceding paragraph. For instance, is it to be understood that the language in the first paragraph is to be considered as a part of all these succeeding paragraphs, or is it a distinct appropriation? That language is:

That for the purpose of further increasing the Naval Establishment of the United States the President is hereby authorized to have constructed—

And so forth. Then, continuing the words of the present paragraph—

six torpedo-boat destroyers, to have the highest practicable speed, to cost, exclusive of armor and armament, not to exceed \$925,000 each—

And in the following paragraph—

one seagoing submarine torpedo boat—

And so on, down through the remainder of the page. If that language in the preceding paragraph is to be taken as a part of the present paragraph under consideration, then it is legislation. If it is merely an authorization of an appropriation for these six torpedo-boat destroyers, that style of ship having been previously authorized and being at present an established arm of the Navy, it is not subject to a point of order.

The CHAIRMAN. The Chair is of the opinion that the present language of the bill is subject to a point of order because it is an authorization; but if there was a direct appropriation for that purpose, it would not be subject to a point of order.

Mr. PADGETT. This is the same language that has always been carried in the bill, and it has always been considered to be a part of the program; and the authorization of the President to construct so many torpedo boats and to increase the Navy—

The CHAIRMAN. The Chair finds a slight distinction between the authorization and the direct appropriation, notwithstanding the fact that the same language may have been carried in former bills. The language carried in former bills would only make the law for those years.

Mr. PADGETT. But this is to authorize the President to increase the Naval Establishment.

That for the purpose of further increasing the Naval Establishment of the United States, the President is hereby authorized to have constructed—

Two battleships, six torpedo-boat destroyers, and one seagoing submarine torpedo boat.

The CHAIRMAN. Right there, if the gentleman will permit, the Chair will say to him that if it were simply an appropriation it would be in continuation, but this language is an authorization.

Mr. STAFFORD. We can readily make it an appropriation instead of an authorization.

The CHAIRMAN. The Chair has indicated to the gentleman from Tennessee that the Chair will hold a direct appropriation to be in order.

Mr. PADGETT. Will the Chair indulge me a moment?

The CHAIRMAN. The Chair has practically ruled upon the reservation of the point of order without the point of order being made.

Mr. STAFFORD. My purpose is to inquire first whether it is legislation—

The CHAIRMAN. Does the gentleman make the point of order?

Mr. STAFFORD. I make the point of order. I have no objection to an appropriation for this purpose, but I do object to the present phraseology.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. STAFFORD. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PADGETT. Before the Chair rules let me make a statement. The appropriation for this is carried on page 55 of the bill under consideration. It has always been held in order to authorize, in the naval appropriation bill, the construction of battleships, the construction of torpedo boats, the construction of submarines, and the construction of the other craft in the Navy. The appropriation is carried on page 55 of the bill. This is a continuation of the authorization and is a part of the preceding paragraph authorizing the President to increase the Naval Establishment. It has always been held to be in order

to authorize, on the naval appropriation bill, an increase of the Naval Establishment by adding facilities to it.

Mr. STAFFORD. There will be no difficulty if the gentleman will merely make this an appropriation, rather than an authorization, which is legislation and subject to a point of order.

The CHAIRMAN. The Chair for information will ask the gentleman from Tennessee, if the appropriation is made on page 55, lines 5, 6, and 7, then what is the use of the paragraph we now have before us in lines 13, 14, and 15 on page 53?

Mr. PADGETT. Simply because there must be an authorization to the department to build the ships.

The CHAIRMAN. Then the gentleman is seeking to authorize and appropriate in the same bill.

Mr. PADGETT. Yes; we are authorizing in the bill, and that has always been done; and it has been held expressly in order.

The CHAIRMAN. Will the gentleman cite the Chair to some place where it has been held in order?

Mr. PADGETT. The point of order has not been raised of late years against authorizations in the naval appropriation bill.

The CHAIRMAN. The gentleman will bear in mind, however, that on a bill recently considered we received a very serious object lesson, where items had been carried in an appropriation bill for many years, and yet the gentleman from Illinois [Mr. FOWLER] made points of order against them, and they were all sustained.

Mr. PADGETT. That may be; but it has been held expressly that it is in order to increase the Naval Establishment. That is one of the well-recognized exceptions to the rule. It is the continuation of a public work. It is the continuation of a work in progress, that work being the creation of a navy. The increase of the Navy is an increase of an existing work or object.

The CHAIRMAN. Yes; but the gentleman is not now discussing the thing to which the mind of the Chair is directed, and that is the difference between an authorization and an appropriation.

Mr. PADGETT. But there must be an authorization, and it has been held to be in order—

The CHAIRMAN. Has the committee the right to authorize?

Mr. PADGETT. It has been held in order to authorize battleships and to authorize colliers and to authorize submarines, and that authorization is carried regularly in the naval bill.

The CHAIRMAN. Under section 823 of the Manual the Chair finds this language:

By a broad construction of the rule an appropriation for a new and not otherwise authorized vessel of the Navy is held to be for continuance of a public work; but this interpretation is confined to naval vessels and does not apply to vessels in other services, like the Coast Survey or Lighthouse Department.

This language says that by a "broad construction" of the rule an "appropriation" for a new and otherwise unauthorized vessel is in order; but the gentleman has sought to make, first, an "authorization," and, later, an "appropriation."

Mr. PADGETT. But, if the Chair please, this is to fix the limit of cost and to authorize the department to build these vessels, and later carries an appropriation. But as the construction of the vessel requires nearly three years we do not put into the bill in any one year the full amount of the authorization. We put in an appropriation adequate for the first year, and then the next year we put in the amount sufficient for that year, and then the third year we put in the remainder; and to destroy this language here is simply to bring confusion and to force us to put into the appropriation three times as much as we should. I hope the gentleman will not insist upon his point of order. This has been the custom, and it has been carried in the bill from time immemorial.

Mr. STAFFORD. If the committee is willing to consider this merely as an appropriation and not an authorization, I am willing to withdraw the point of order; but if it is to be considered as legislation to which can be attached all kinds of amendments, then for the purpose of expedition I am going to continue to press my point of order.

Mr. PADGETT. I do not know of any amendment to be offered to this.

Mr. MANN. Mr. Chairman, if the gentleman from Tennessee [Mr. PADGETT], chairman of the Committee on Naval Affairs, would do what no chairman of one of the appropriating committees ever does—that is, read the rules of the House—he would not have any difficulty about this matter. Now, the rule is:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

Now, the ruling is that the appropriation for a battleship or vessel of the character used in the Navy for fighting purposes

is an appropriation for a work and object already in progress, but, as the Chair has suggested, this item has no appropriation in it.

Mr. PADGETT. For the reason—

Mr. MANN. It is not in there, and it does not make any difference what the reason is. It is not an appropriation. Now, the gentleman referred to the fact that this is a work in progress, but that language of "work in progress" only occurs in the rule in reference to appropriations. This paragraph does not come within that, because it is not an appropriation. Now, the subsequent language that forbids legislation does not refer to work and objects in progress.

Nor shall any provision in any such bill or amendment thereto changing existing law be in order.

And then follows the Holman rule. The authorization is a change of existing law, because it makes law. The authorization is not in order upon a naval bill, and an appropriation is in order if the gentleman would offer an amendment for an appropriation. I am inclined to think—although I do not wish to commit myself on that subject—that the language in the bill might be considered as merely descriptive of the torpedo boats if the gentleman would add an appropriation to it, but there is no appropriation in this; it is a pure case of authorization.

Mr. MADDEN. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. MADDEN. If the appropriation is made, as my colleague suggests, would it not be necessary to state definitely what it is for?

Mr. MANN. That is what this says. The language is:

Six torpedo-boat destroyers, to have the highest practicable speed, to cost, exclusive of armor and armament, not to exceed \$925,000 each.

Now, the gentleman from Tennessee connects that with the language in the preceding paragraph which authorizes the President to have constructed six torpedo boats. It might be treated as a separate paragraph, simply making an appropriation, if the gentleman would add an appropriation, and then the Secretary of the Navy would have the power under the law to expend the money. But this as it is is purely an authorization—legislation, as suggested by the chairman of the committee.

Mr. PADGETT. I will ask the gentleman from Wisconsin if he will not withdraw the point of order and let us proceed?

Mr. STAFFORD. If there is going to be no amendment to this or the subsequent paragraph, I would not press the point of order.

Mr. PADGETT. I know of no amendment, and do not expect any.

Mr. STAFFORD. Could not we have this and the subsequent paragraph considered as one, providing for the increase of the Navy?

Mr. PADGETT. I am perfectly willing.

Mr. STAFFORD. Down to line 6, page 54.

Mr. PADGETT. I do not know of any amendment to be offered to these paragraphs.

Mr. STAFFORD. Well, Mr. Chairman, I do not see any Member on the floor who desires to offer an amendment, and I will withdraw the point of order.

Mr. BUCHANAN of Illinois. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 53, line 15, after the word "one," insert the following: "To be constructed in Government navy yards."

Mr. BUCHANAN of Illinois. Mr. Chairman, the Government is equipped with navy yards to do a great deal more work than they are doing. The overhead charges are enormous, and I believe it is to the interest and great advantage of the Government to have all the work done in the navy yards that they can take care of. It will result in work being done better and cheaper, and it seems to me there ought to be no objection to it.

Mr. PADGETT. I will ask the House not to adopt this amendment. We have provided for one battleship to be built in a Government yard. It involves an immense increase of cost. The present Secretary of the Navy has stated in a letter which I put in the Record that it was his purpose to place all the work he could in the navy yards, and do it judiciously, but to put an absolute direction that these shall be built in navy yards would involve a large increase in the cost.

Mr. BUCHANAN of Illinois. I would like to ask the gentleman if he thinks it is judicious to have the navy yards idle and let contract work out that could be done in those yards? That has been the practice in the past and will be in the future, unless Congress takes some action in regard to it.

Mr. PADGETT. The navy yards have not been idle. The gentleman assumes a state of facts that does not exist. I will ask the House to vote down the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. BUCHANAN].

The question was taken; and on a division (demanded by Mr. BUCHANAN of Illinois) there were 26 ayes and 52 noes.

So the amendment was rejected.

Mr. PETERS of Massachusetts. Mr. Chairman, I move to strike out the last word.

Our Nation is about to pay its tribute to the memory of Commodore John Barry. In a few days the statue to Commodore Barry will be unveiled, and our National Capital will be enriched by the traditions which surround his memory.

Born in Wexford, Ireland, Barry was as a boy poor in worldly possessions but rich in the possession of the best of inheritances. His nature was strong and firm and full of the characteristic vigor of his race. His blood was red and never changed.

Barry was driven from home by the shortsighted policy of oppression which England adopted toward his native country. Like thousands of other Irishmen, he turned his eyes toward that haven of liberty that was looming up in the Western world. The immigrant ship brought Barry.

Deprived by law in his native land of all opportunity for study, John Barry found in America the chance for self-improvement. His keen mind soon mastered the arts of navigation. A born leader of men, he became, at the age of 30, master of the *Black Prince*, one of the finest merchantmen flying the American flag.

At the breaking out of the first movement for the Revolution Barry's services were offered without hesitation to his adopted country. His eager patriotism was rewarded by his securing the first prize. The first command by Barry, the *Lea-ington*, bears the distinction of being the first ship which bore the Continental flag to victory on the ocean.

Washington recognized the importance to the country of a well-organized Navy, and early picked Barry as a born commander. So great was Gen. Washington's confidence in him that in the last three years of the Revolution Barry was first officer of the Navy.

The honor of fighting the last as well as the first naval battle in the Revolutionary War fell to Commodore Barry. It was on the *Alliance*, the last and best ship of the Continental Navy, that Barry distinguished himself in this final engagement by personal bravery that will always be a model for the American Navy.

Seriously wounded, the valiant commander had been taken below. He was told that the *Alliance* was about to strike her colors. The shell of the enemy might maim the body, but it could never impair the valor of John Barry.

He ordered that he be carried to the deck. The appearance of their commander on deck, wounded and weak, but determined to fight, proved an inspiration for his powder-blackened crew. With their battle cry "We'll stick by Jack," they fought with a renewed vigor that saved the day.

It remained for the British commander, Gen. Howe, to bring out the staunch patriotism of our commodore. Appreciating the importance of Barry to the American cause, Gen. Howe sent to him an offer, giving him command of the best frigate in the British fleet and what amounted to \$100,000 in cash. Maddened by this insult, Barry replied with all the indignation of his injured patriotism:

I have devoted myself to the cause of my country, and not the value and command of the whole British fleet could seduce me from it.

At one time, without a ship, Barry enlisted on Gen. Washington's staff in New Jersey, and there fought until his new vessel, the *Raleigh*, was in commission.

After peace was declared Barry still gave his services to his country. To him President Washington turned when he wished to organize the Continental Navy, and the first act of Washington as President toward the establishment of a Navy was to commission John Barry commodore. Under his supervision the new Navy which Congress authorized took shape.

Of this new Navy John Barry was commander. Both Washington and John Adams early perceived the importance to our country of a well-established Navy, and to make that Navy effective they must have commanders who combined fearless character with good judgment and experience in handling vessels. That Barry combined these his record in the Navy will prove. Though dashing and reckless, he yet was an exceptionally skillful seaman, and his handling of his vessels in action brought praise from all sides. As a born fighter he inspired his crews with confidence that they had a leader who would handle them

effectively and stick in the fight to the end. After one of his boldest victories Washington himself wrote to Barry as follows:

I congratulate you on the success which has crowned your gallantry \* \* \* in the late attack upon the enemy's ships. Although circumstances have prevented you from reaping the full benefit of your conquests, yet there is ample consolation in the degree of glory which you have acquired. With my wishes that a suitable recompense may always attend your bravery.

John Barry dedicated himself to his country's service, and never left it until he went to the last field of honor, wrapped in his country's flag.

The Irish race has furnished many distinguished warriors for our flag, and great as their services are, to none have we more cause to show gratitude than to John Barry. Generous and loyal was Barry's response to the call of the Revolution. His services were offered among the first, and through all the war his generous spirit seemed to stimulate all around him.

Barry's daring exploits have been frequently celebrated in verse, especially his last fight of the Revolution, on the *Alliance*. The poetic description of Barry's reply to the hail of the *Alliance* deserves to be commemorated:

This is the ship *Alliance*  
From Philadelphia town,  
And proudly bids defiance  
To England's King and Crown.  
As captain on her deck I stand  
And guard her banner true,  
Half Yankee and half Irishman,  
What tyrant's slave are you?

This shows the dashing spirit of Barry and shows that the love of his native country, which always remained with him, was the solid foundation for his devotion and loyalty to his adopted country.

This monument is a fitting recognition of the services of John Barry to his country. It will serve to stimulate study into the character and services of Barry. His memory can not fail to prove an inspiration to all who study his life. Commodore John Barry, by his life of service, welded one more link to tie together in admiration and friendship the people of Ireland and America. [Applause.]

Mr. SIMS. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman if he intends to insert his speech in the middle of the debate on the naval appropriation bill. The other day we gave some one leave to do something of this sort with the expectation that it would not interfere with the reading of the debate, and a long speech was sandwiched into the debate, just as though it had been delivered on the floor.

Mr. GARNER. Mr. Chairman, I would like to ask if we did not issue an order not long ago against that very thing?

Mr. MANN. No; we could not issue an order about it.

Mr. GARNER. It was generally understood that the extension of remarks should go in the latter part of the Record.

Mr. SIMS. I want mine to go in the latter part of the Record, where it will be read.

Mr. ROBERTS of Massachusetts. The gentleman ought to make it a part of his request that it shall follow at the end of the day's proceedings.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee to extend his remarks in the Record?

Mr. MANN. I do not object.

The CHAIRMAN. The Chair hears no objection, and the leave is granted.

The Clerk read as follows:

One seagoing submarine torpedo boat, to cost not to exceed \$1,100,000; and the sum of \$500,000 is hereby appropriated for said purpose.

Mr. BUCHANAN of Illinois. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 53, line 18, after the word "purpose," insert the words "to be constructed in a Government navy yard."

Mr. BUCHANAN of Illinois. Mr. Chairman, I am in favor of the Government manufacturing all its munitions of war—battleships, steel armor plate, and everything pertaining thereto—because I know that if the Government would do that and cut out the influence of these profit-seeking corporations throughout the country, influencing Congress to expend large sums of money for naval defense, which they do not now need or never will—if we could do that, and add to it a tax on large incomes to pay the expense for this naval defense, you would see some of these trust newspaper editorials and other influences that are

working for these extravagant expenditures turn tail and oppose these large and unnecessary expenditures instead of being in favor of them. If the Members of this House believe in work being done under conditions that are more favorable to labor, under conditions where we will get better work and more perfect work done, to greater advantage of the people of the country; if they are sincere in desiring this expenditure for the purpose of helping the working men, then they will support this kind of an amendment. If they are not, of course they will vote it down, as they did the other one. I note here that my good friends from New York, after they were satisfied in regard to one battleship, oppose the amendment that provided that two battleships might be built in some other navy yard. Is the Brooklyn Navy Yard the only navy yard which Congress is interested in, in utilizing the equipment with which they are prepared, for the manufacture of munitions of war? I favor the New York Navy Yard being kept employed in the manufacture of these battleships and other munitions of war, but I also believe that we ought to utilize other navy yards, those on the Pacific coast and elsewhere, at Boston, and throughout the country. As long as we have this work to do, let us employ that equipment that costs the Government so much money and which can do the work more efficiently and, in my judgment, much more cheaply.

Mr. MOORE. Mr. Chairman, I desire to oppose the amendment of the gentleman from Illinois [Mr. BUCHANAN]. I wish to do so upon the merits of the argument that he has presented. He wants Government ownership. He wants the Government to become the sole employer of everybody who works, whether he works in a shipyard or on the farm. I am not prepared to go that far with him. I do not think labor demands that of this Congress. When he speaks of those of us who have stood for the construction of one battleship or one transport in the navy yards, he refers to those who have done the best they could for the navy yards in their vicinity, as they ought to do as true representatives of the people. But the gentleman utterly fails to see the thousands of men employed, earning honest livings by honest toil, outside of the navy yards. I will stand for the navy yard in the city which I have the honor in part to represent as long as the navy yard is there, and men are employed in it, and I will do everything possible to get ships built there, but at the same time—

Mr. BUCHANAN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MOORE. Not now—but at the same time I have in mind a picture of a great hive of industry directly across the river, which employs 5,000 men, building ships, not only ships of the Navy but ships of commerce, and at the same time I have in mind a great shipyard in my own district, not far from the navy yard, where over 4,000 men are employed this very day building ships, not for the Government but for private enterprise, which I want to encourage. I do not propose at this time to vote out of employment 5,000 men employed in the New York Shipbuilding Co.'s yards, sustaining by the honest wage they earn 25,000 men, women, and children. I do not propose to vote with the gentleman from Illinois for the proposition to vote out of employment 4,000 employees working in Cramp's shipyard, sustaining by their honest wage, honestly earned outside of the Government employment, at least 20,000 people. The gentleman has a second think coming on this Government ownership business, and if he attempts to stampe the this House, as he has frequently done on other occasions, he has got to take into account the independent voters of the land, whether they belong to labor unions or not—I am in favor of labor unions, which have a right to express themselves in favor of their own wages and their own employment—but I do not intend to vote 9,000 men out of work in this instance, nor any part of them.

Mr. BUCHANAN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MOORE. Yes.

Mr. BUCHANAN of Illinois. Is the gentleman in favor of the Government owning the navy yard at Philadelphia?

Mr. MOORE. Certainly.

Mr. BUCHANAN of Illinois. Would he be opposed to building this ship in that navy yard?

Mr. MOORE. I would, if it throws out of employment thousands of men who would not be employed otherwise.

Mr. BUCHANAN of Illinois. He would oppose it if it took away profits from contractors.

Mr. MOORE. Oh, does the gentleman favor the turning out of employment 9,000 men who are working for the New York Shipbuilding Co. and the Cramps? Does he propose to turn

these men out of employment to carry on his fad of Government ownership? Let the gentleman rise and tell me whether he is in favor of our labor or not?

Mr. BUCHANAN of Illinois. Mr. Chairman, I am in favor of employing men in Government yards, under better conditions and for better wages, which the gentleman is opposing now when he is opposing this amendment. He is in favor of their being worked longer hours for the profit of corporations.

Mr. MOORE. Oh, I have heard the gentleman sing that song before, but he does not want to sing it to these people who are working in independent yards, who are members of labor unions, who are paying their dues to these unions, and who work under the eight-hour rule. How did the gentleman vote on the question of shipbuilding ways? Against it, did he not?

The CHAIRMAN (Mr. HOUSTON). The time of the gentleman from Pennsylvania has expired.

Mr. HENSLEY. Mr. Chairman, I desire to heartily support the amendment offered by my colleague, Mr. BUCHANAN of Illinois. It seems to me that the gentleman from Pennsylvania [Mr. MOORE] is shortsighted when he makes the character of argument he has just made. It does require a certain amount of labor in the construction of these ships, whether built in a Government yard or a private yard.

I can see no reason, no logic, to the drift of the gentleman's argument. However, the question of the amount of labor involved, whether constructed in a Government or a private yard, is not the real issue. That is a distinction without a difference. Mr. Chairman, I desire to call the attention of Members of the House to what these authorizations mean to these profit-making concerns who are pressing Congress all the time for increases. I believe in Government construction, as that will eliminate the tremendous profits from excessive war preparations. Even then we are warranted, at least comparatively speaking, in assuming that it will require the same amount of labor to construct a ship in a Government yard as in a private yard. I have before me a paper known as "The Navy," containing a picture of a magnificent banquet given by the Navy League at New York City at the Waldorf-Astoria. At that banquet was the present Secretary of the Navy of the United States. I desire to call the attention of Congress to some of the things the Secretary said on that occasion. He quoted from an examination made before the Committee on Naval Affairs, and in this connection I will read from his speech:

I quote from page 617, hearings of the Secretary of the Navy before the House Naval Committee this year. I had mentioned meeting Gen. Porter at the Navy League meeting last spring. This prompted the following question from Congressman HENSLEY:

"You do not realize the fact that that institution is organized for the very purpose of disseminating the sentiment in the country for bringing about a larger navy?"

To which I answered:

"Undoubtedly."

Then this question follows:

"Mr. HENSLEY. They insist all the time that they are actuated wholly and solely from patriotic and noble purposes as against fellows like Judge WITHERSPOON and myself and others who have not the good of our country at heart?"

I want the committee to note this, as it shows that these people who are urging increases in the Navy are at all times engaged in an effort to influence Members of this House and men in high positions in this Government.

Mr. ROBERTS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HENSLEY. No; I will not yield; I have not the time.

In this speech the Secretary of the Navy pleads for the support of the Navy League. He asked them to support him. He refers to the fact that they have been criticizing some of his policies, and in that connection I desire to say that I do not withhold my approbation of many things the Secretary has done, but, to the contrary, there are a great many things for which I give him my hearty approbation. But some of the things I do not approve and never will approve so long as I continue to think as I do. Now, then, let us go a little further. The Secretary said:

I will not read the whole dialogue, but I want to call your attention to the remark later on by Congressman HENSLEY.

Mr. HENSLEY. These people who are making that character of campaign are the ones who are being materially benefited, the fellows who expect to get something direct out of it. That is what I complain of.

And the Secretary, as the hearings will show you, replied:

If that is true I complain of that as much as you.

At that banquet he did not quote this last sentence. Seated around the table at that banquet were gentlemen to whose names I will call your attention. There were present a number of admirals and rear admirals, Gen. Horace Porter, Col. Robert M. Thompson, representatives of great banking institutions, and

others. The connection of these gentlemen with the Navy League and their relation to the great supply concerns of the country was explained to this House a few days ago by the gentleman from Nebraska [Mr. BARTON], and I desire to refer to them more particularly later on.

There were a number of seats vacant at this banquet. On previous occasions I have observed among the list of guests of the Navy League the names of various Members of Congress, and if those gentlemen present at this banquet had thought that the Secretary of the Navy would in his speech place the stamp of disapproval upon a campaign of this kind there would have been more vacant seats at this banquet than this picture shows.

Mr. MANN. Will the gentleman yield for a question?

Mr. HENSLEY. In just half a second. Each Member of the House, I take it, has received a copy of this publication. If so, I ask you to read the speech made by the Secretary and the speeches made by the other gentlemen gathered at that banquet.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WITHERSPOON. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the gentleman from Missouri may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HENSLEY. Now I yield to the gentleman from Illinois.

Mr. MANN. Did not the Secretary of the Navy in that banquet speech state that he had been defending the Navy League, and hence he thought in fairness they ought to support him in reciprocation of his defense?

Mr. HENSLEY. I think that is practically true, I will say to my friend from Illinois. I can not quote the entire speech, but I want to appeal to the membership of the House to read the speech carefully and then pass judgment upon it.

Mr. MANN. Fortunately the Navy League sent a copy of that paper to me, and I read the speech. A speech of that kind would be forgiven because it was made at a banquet, but it would not be at any other place.

Mr. HENSLEY. It is impossible to blow both hot and cold.

Mr. MADDEN. They do not drink at those banquets now, do they?

Mr. LANGLEY. They drink grape juice.

Mr. HENSLEY. I desire to say I am keeping a record of these magnificent banquets. I am trying to single out and know the Members of this House and men in high positions in this Government who are accepting invitations to these banquets and play the part that is carefully mapped out for them.

I think sometime it will be a very valuable contribution to some paper like the Saturday Evening Post, so that the people may know what is being done; what purpose these people connected with these banquets have behind them; what is intended to be accomplished by inviting Members of Congress; not because of their splendid talents; not because they want them to be present at these banquets for the enjoyment of their company and association, but it is because those gentlemen are Members of Congress and hold places here as members of important committees. Oh, we are told that they merely desire to be sociable and courteous and that they do not mean to improperly influence Members and others. Do you suppose that the magnificent banquets, which cost thousands of dollars, would be given by those paying the bills if they did not expect returns upon the investment? Do you suppose that those of us who receive invitations to these banquets would be noticed by these great bankers and others who are connected with the Armor Plate, Powder Trust, or some other supply concern if we were not Members of Congress and did not possess something they are looking for? No; not by any means. They are looking after "suckers"; and I am sorry to say that too frequently they string them through the use of just such bait. It is claimed there is no wrong intended. Oh, no. This reminds me of what an old Member told me a few days ago. He said, as I have previously stated, that when he first came to Congress a representative of certain railroads was stationed in Statuary Hall, issuing passes to Members and their families over those roads. They argued then that giving Members passes was not intended to influence them; but the people said, "We will put a stop to such transactions," and Congress put a law upon the statute books making it an offense for the railroad to issue or for a Member of Congress to receive a pass. I say to you that the people will not stand for such conduct as this on the part of our trusted officers any longer than they can get to them after they once understand the facts.

Mr. CALDER. Were any Members of Congress present at that banquet?

Mr. HENSLEY. So far as I have observed I believe not, but I am not sure. I will look that over further later on, I will say to my friend from New York.

Mr. CALDER. I have looked it over, and I did not see the names of any Members of Congress present.

Mr. HENSLEY. Now, Mr. Chairman, I desire to refer more particularly to the speech of the gentleman from Nebraska [Mr. BARTON], in which he called the attention of the House to the personnel of the Navy League and its purpose. Now listen:

Mr. J. Pierpont Morgan was until his death one of the directors, and intensely interested in the league's work, to which he was a liberal contributor. Mr. Herbert L. Satterlee, general counsel for the league, is a son-in-law and heir of Mr. Morgan.

Gen. Horace Porter is president of the league. He was for many years an officer of the Pullman Co., which is a Morgan corporation.

Mr. Charles G. Goyer is treasurer of the league. He is president of the Riggs National Bank, which is closer to Wall Street than any other bank in Washington.

Col. Robert L. Thompson is chairman of the executive committee of the league. He is an eminent financier of New York, whose great interests generally coincide with the colossal undertakings of the Morgan group. He is also the head—being chairman of the board—of the International Nickel Co. and holds the honorable post of president of the New York Metal Exchange.

Mr. J. Frederick Pams is director of the league. He is a New York society and yachting man, a friend of Mr. Morgan and a member of Mr. Morgan's yacht club.

Mr. George von L. Meyer is a director of the league. Mr. Meyer was Secretary of the Navy in the Taft administration and on March 3 signed the remarkable contract for the *Pennsylvania's* armor that has been the subject for unpleasant comment in Congress and elsewhere. He is a considerable stockholder in the New Haven Railroad, which is a Morgan concern, and is also a director in the Amoskeag Manufacturing Co., at Manchester, N. H., and has on the board as his associates Mr. F. C. Dumine, who helped Mr. Morgan to incorporate the Boston Railroad Holding Co., by which the New Haven was enabled to hold the Boston & Maine in spite of certain provisions of the Massachusetts law. Mr. Dumine is also a director of the Fore River Shipbuilding Co., which is on friendly terms with the Morgan group and affiliated with United States Steel.

With a board of directors containing all of these wise and experienced men that are on terms of friendship with our greatest captains of industry our defenseless condition may be believed to be in safe hands and the activities of the Navy League to be unremitting.

Does anyone here believe that these gentlemen are actuated by altruistic motives? Whether these ships are constructed in Government or private yard, is not the labor item infinitesimal as compared with the amount expended for armor plate which is furnished by these great supply concerns?

Let me say right here that in the last Congress I called the attention of the House to the fact that J. P. Morgan, jr., was secretary and treasurer of the Navy League. Shortly thereafter he resigned from that position.

Gentlemen, my position is this: That if the honest sentiment of our country calls for 10 battleships to defend the Nation's honor, then I am ready to vote for them. But I say to you here and now, when pressure is brought to bear upon Congress by these gentlemen and by associations of this character to induce Congress to respond to increases because of the profits they derive out of the business, I stand here and say it is unpatriotic, it is un-American, for a Member of Congress to support such increases. [Applause.]

But aside from the question as to whether we really need additional battleships now, or whether wisdom and experience suggest that we make provision for arming and manning, making effective, the battleships we already have constructed and lying idle, certainly, in view of all the facts adduced, we should all cooperate in an effort to take private interests out of the construction of battleships. The tax burden, after having utilized every economy and provided every safeguard in behalf of the public, is even then heavy enough. My colleague, Mr. BUCHANAN of Illinois, submitted the other day a copy of a resolution from certain labor organizations in his State. He appealed to the House especially in behalf of the laboring people. I desire here to read the resolution:

DANVILLE, ILL., February 28, 1914.

HON. FRANK BUCHANAN, M. C.,  
Washington, D. C.

DEAR SIR: I notice by the papers that you voted in the negative on the two-battleship program.

Allow me to extend to you my heartiest congratulations for so doing, as that expresses the sentiments of the labor organizations in this community.

I have inclosed a copy of resolutions, which were passed by the Danville Trades and Labor Council, and unanimously indorsed by Vermillion Lodge 473, International Association of Machinists, which was in response to a circular letter sent out by Lodge 174, International Association of Machinists, Washington, D. C., requesting all local lodges to urge their respective Congressmen and Senators to support the two-battleship program.

Again thanking you for the support rendered in the interest of the working class as a whole, and assuring you that if the opportunity ever presents itself whereby we could give you any assistance we would be glad to do so, I am,

Yours, for anything that is to the interest of the working class,

[SEAL]

W. T. RIZER,  
Recording Secretary Local 473, I. A. of M., Danville, Ill.

This is the resolution in response to the request:

INTERNATIONAL ASSOCIATION OF MACHINISTS,  
VERMILION LODGE, No. 473,  
Danville, Ill., January 23, 1914.

Whereas the legislative committee, Columbia Lodge, No. 174, of the International Association of Machinists, has appealed to the Danville Trades and Labor Council and Local 473, International Association of Machinists, for moral support, wherein they ask that we favor the construction of more battleships instead of lessening battleship construction, giving as a reason to obtain said support that at a time when work is becoming slack throughout the country it is unwise to aggravate the condition by adopting a policy of naval construction that will throw thousands of workmen out of employment; and

Whereas we know that the construction of battleships is intended for war purposes, and that all the expenses of all the wars in all the world in all times have been paid with the results of productive labor, always resulting in the working class paying all the expenses of all wars; and

Whereas we realize that in war soldiers cease to produce wealth, and finally soldiers actually destroy wealth; and

Whereas we believe that war appropriations could be applied in a more beneficial way to society in general; for instance, the cost of the Civil War amounted to \$31,521,815,230.60. This sum, if applied to another way, would pay for a \$1,700 home and also for \$400 worth of furniture for each house for a total population of 90,000,000 people, estimating 6 per family in each home. Or this sum would pay all the salaries of 25,000 school-teachers, at \$625 per year, from the birth of Christ to the year 1909, and leave sufficient to establish 50 universities, each institution provided with \$10,000,000 worth of buildings and equipment, and each institution provided also with a \$10,000,000 endowment fund for running expenses; and

Whereas we believe the members of the aforesaid lodge are promoting war, even though they would have it appear to the contrary, by asking for increased construction of battleships; and

Whereas we believe that whoever would understand war must give special attention, first, to the economic interpretation of history; second, to the class struggle, considered historically and currently; and, third, to surplus value, produced by the workers, but legally escaping from their control to the capitalist class, as a result of the institution of private ownership and private control of the collectively used means of production; Therefore be it

Resolved by the Danville Trades and Labor Council and Vermilion Lodge, No. 473, International Association of Machinists, That we disapprove of the appeal made by the aforesaid Lodge No. 174, believing that occasional literary and oratorical snowballs ignorantly, gracefully, and grammatically tossed in the direction of hell (for war is hell) will have no effect on the general temperature of that warlike region; and be it further

Resolved, That the two inclosed petitions intended for to be sent to our Congressmen and Senators be left blank, and that a copy of these resolutions be sent to Lodge No. 174 and the monthly journal of the International Association of Machinists for publication.

DANVILLE TRADES AND LABOR COUNCIL,  
JOHN F. DEMLOW,  
P. R. CHRISTENSON,  
GEO. W. BERRY,  
Resolution Committee.

Adopted by Local No. 473, International Association of Machinists, January 26, 1914.

H. A. WISE, President.  
W. T. RIZER, Recording Secretary.  
EDWARD M. METHIE,  
PERCY MOLYNEAUX,  
FRED WITTIG,  
Resolution Committee.

But, Mr. Chairman, for the comforting assurance and for the peace of mind of the gentlemen connected with these great supply companies, who profess such a deep concern regarding our national defense and who are financing these magnificent banquets, inviting Members of Congress, the Secretary of the Navy, and others, for the purpose of urging and promoting increases in the naval-construction program, the materials for which are furnished by their respective concerns, if they desire additional battleships after we have enacted the bill introduced by the gentleman from Pennsylvania [Mr. BAILEY] which provides for a battleship tax on incomes of over \$20,000 annually, then I shall favor permitting these gentlemen to indulge their tastes to any extent whatsoever in battleships. But, Mr. Chairman, just as quickly as we can pass this bill, and I favor its passage, these identical gentlemen, like Judge WITHERSPOON, myself, and others, will then be found inquiring into the necessity for these authorizations. Under such a system these expenditures will have been transformed from a source of profit to them to a liability. You will then find fewer banquets, less agitation in favor of additional battleships, and no opposition to Government construction of the necessary ships for defensive purposes. Then, you will also find that our naval bill each year will be formulated with a view of obtaining the greatest possible efficiency in the Navy with the very lowest possible expenditure.

Mr. PADGETT. Mr. Chairman, I have only a word or two to say in addition to what I said a while ago in reference to the torpedo boats. These submarines are all under patent, and if the Government would undertake to buy them it would have to pay on each submarine somewhere from \$50,000 to \$75,000 for the use of the patent. There is no use in discussing the matter further. It means an additional cost of many hundreds of thousands of dollars.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BUCHANAN of Illinois. Does the gentleman contend that this is a submarine?

Mr. PADGETT. Yes, sir. It is one seagoing submarine, subject to patents. Mr. Chairman, I ask for a vote.

Mr. BARTON. Mr. Chairman, I have sat through this bill up to this time without making any remarks, and I would like to be recognized for five minutes.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 15 minutes, 5 minutes to the gentleman from Nebraska [Mr. BARTON], 5 minutes to the gentleman from Pennsylvania [Mr. GRAHAM], and 5 minutes to the gentleman from Illinois [Mr. MANN].

Mr. CARY. Mr. Chairman, I would like to ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent—

Mr. BUCHANAN of Illinois. I would like to add to that three minutes if I should want to use them.

Mr. PADGETT. The gentleman has already discussed the matter.

Mr. BARTON. I will yield him two minutes of my time.

Mr. BUCHANAN of Illinois. I do not want to ask the gentleman's time. I want time of my own.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent that all debate on the pending amendment close in 15 minutes.

Mr. BUCHANAN of Illinois. I object, Mr. Chairman.

Mr. PADGETT. I move that all debate on this paragraph and all amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] moves that debate on this paragraph and all amendments thereto close in 15 minutes.

Mr. BUCHANAN of Illinois. Mr. Chairman, I desire to amend that motion by making it 18 minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. BUCHANAN] offers to amend the motion by making it read 18 minutes. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee as amended.

The motion as amended was agreed to.

Mr. BARTON. Mr. Chairman, I have regularly attended every session of this body since becoming a Member, and I have listened, as the membership will observe, much more than I have spoken. I recognize the fact that Members who have been here for a longer term of years hold over me in experience and maybe, sometimes, in judgment; but I will yield to no man, be he young or old, in this body, loyalty to my country and the right, if you may please to call it, to settle in my own mind and conscience matters that are for the good of my country.

There is one skeleton that has been trotted out here every time we have talked about doing any business for the Government. I have read back into the history of the fight of the powder factories, and found that skeleton was almost worn threadbare at that time, and it was that old bugaboo of Government ownership. We heard it when we were talking about the Alaskan railroad. We heard it when we were discussing the bill to provide for the making of our own powder, and we are now hearing about it when we contemplate building our own ships in our own navy yards. And the gentleman from Pennsylvania [Mr. MOORE], who is usually mighty clear in his reasoning, has not satisfied me yet as to how the erection of this ship by the Government is going to displace workmen.

The statement has been made on the floor of the House that all the men at the navy yards are now engaged and that those who work in private plants are engaged. If we build the ships ourselves, it will simply be the Government employing those laborers instead of the big shipbuilding companies employing them, so if I have my way as to whether or not the ships shall be built by the Government or by great organizations that we commonly call "trusts," I am in favor of the Government building them.

As to banquets, not long ago we received a very facetious lecture by the leader of the minority on the subject of banquets. I gave his statements serious consideration, although I said but little about it. I do not believe that a banquet would change any Member here who had settled convictions on a question. And yet there is in these banquets a subtle influence that has convinced me that the Government should pay the expenses on Government business and banquets by people who want Government money expended should be tabooed. [Applause.]

Mr. CALLAWAY. Mr. Chairman—  
The CHAIRMAN. Will the gentleman from Nebraska yield to the gentleman from Texas?

Mr. BARTON. Yes, sir.

Mr. CALLAWAY. I want to know if the gentleman does not think that the men giving these banquets really believe they are a good investment or they would not put their money out in this way?

Mr. BARTON. I most certainly do. [Applause.] And as to the banquets of the Navy League, in the limited time I have here, and having listened to remarks that have been made relative to the Navy League, it seems to me that the actions of that body have been of such a nature that this body should look closely into the actions of the league through a committee that had nothing else to do. I believe that whenever a banquet is given, while it may not be intended to bribe men, there is an influence used to bring about the result the banquet is given for, and you are breaking bread with the men you intend to help or hinder. In my judgment, our public men should not receive favors from men or bodies that are seeking appropriations or favors from this Government.

I want to say another thing while I am discussing this matter, and that is as to the resolution introduced by my friend from Missouri [Mr. HENSLEY], which passed this body almost by a unanimous vote. I would like to know where that is reposing now. I would like to know why the voice of this body to the nations of this earth is not worth something. I would like to know where that resolution is at the present time, and whether anybody outside the confines of the office where it is now resting has ever heard of the Hensley resolution. We are entitled to have that resolution go to the countries of this world and do what we proclaim we want done—establish for the Governments of this world peace and stop the battleship business. [Applause.]

Mr. MANN. Mr. Chairman, I think I can tell the gentleman where the Hensley resolution is. It is at one of two places. It is either on one of the battleships down at Vera Cruz [laughter], or else it is transmitted to the new capital of the country in London to find out whether the British Government will permit us to suggest to the world that we have the right to make a request. [Applause.]

Now, I do not think that people are to be criticized for attending banquets. I do not think that the Navy League is to be criticized because it endeavors to build up a Navy. I wonder sometimes how it is that so many gentlemen in the House are approached, as they say, by these influences which they describe as improper. I have been here now nearly 18 years, and no one has ever endeavored to influence my action upon such matters. Sometimes somebody comes to see me about a private bill, but that is an easy matter to dispose of.

Mr. BARTON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Nebraska?

Mr. MANN. Very briefly.

Mr. BARTON. I simply say that I know the gentleman would not want to misquote me. I never made the remark that I had been approached during my service in this House.

Mr. MANN. I am not referring to the gentleman. I am not referring to improper approaches. I am speaking of the practice of gentlemen outside seeking you out to influence your judgment. I know that from my position in the House I have some influence in the House. The Navy League has never bothered me, and they have never known how I was going to vote. I received, I suppose, through their courtesy, a copy of the paper, which the gentleman from Missouri [Mr. HENSLEY] held in his hand a moment ago, and I should have supposed that an enemy of the Navy League rather than a friend had sent it out, after reading part of it.

I do not believe that these people outside have so very much influence on the inside of the House. I see the page boys running around with a great many telegrams. I suppose I know what they are about, although I have instructed the people where I live to present me no telegrams except in the morning, and then they are brought over and are given to my secretary. I have instructed my secretary to give me no telegrams in reference to prohibition or suffrage. [Laughter.]

Now, that is an easy way out of it. Everybody knows that you can flood Congress with such things, but who pays attention to them who has nerve or backbone? A Member of Congress who has neither nerve nor backbone ought to be retired. [Applause.]

Mr. HENSLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Missouri?

Mr. MANN. Certainly.

Mr. HENSLEY. And it is the gentleman's opinion that these investments in banquets given by these men, like Thompson, who get profits out of them, are not good investments?

Mr. MANN. Oh, I am not afraid of a courtesy. The gentleman, if he rides on a street car with me, will pay my fare, or else I will pay his fare; but that does not mean that I am trying to bribe him or that he is trying to bribe me. That is courtesy. I go to a banquet or a dinner in this town very frequently. I do not consider that I am bound by any influence that could be brought to bear upon me, or that I am supposed to be bound, and nobody else does. It is only the gentlemen with vivid imaginations who are always afraid they will be corrupted. [Laughter and applause.] There is no such thing as corruption of Congress, either through attending banquets or otherwise. A gentleman ought to be able to extend courtesies and receive courtesies, to break bread and eat meat with friends, without feeling that thereby they have absolved themselves from the proper performance of their duty or that they have turned over their judgment to some man who has invited them to participate in that entertainment.

Mr. HENSLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Missouri?

Mr. MANN. I yield.

Mr. HENSLEY. Is not that the same character of argument that was made before we passed the law prohibiting the issuance of passes over railroads?

Mr. MANN. I did not hear the gentleman.

Mr. HENSLEY. Was not that the same character of argument that was made against the passage of the law prohibiting the issuance of passes by railroads—certainly not by my friend from Illinois, but by others?

Mr. MANN. I do not know. I never made an argument on the subject of passes one way or another. But that is an entirely different proposition. A pass under the present construction is not a courtesy. At one time it was. Does the gentleman believe that because gentlemen of the House accept the hospitality of the Government and go down to Panama, as most of them have done, they are obliged to do what the Government or the executive department wants in reference to Panama? Is that it? Not at all. Gentlemen who go have the right to receive that hospitality, but it is personal. It is much the same way with respect to banquets. I am not afraid of banquets. The gentleman need not be afraid to extend an invitation to me to a banquet. I might not go, but if I went I would still be able to do what I think is right, regardless of the banquet.

Mr. HENSLEY. I will say to the gentleman that I never will invite him to my home and after I get him there ask him to favor some proposition that means profit to me.

Mr. MANN. Well, the gentleman will never invite me, and under his conception of it I would be afraid to go, if I supposed that in inviting me the gentleman thought he could thereby influence my judgment. I would not let him think that. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GRAHAM of Pennsylvania rose.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for three minutes.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I do not know that I care to occupy that much time. What has been so ably said by the gentleman from Illinois [Mr. MANN] has expressed fully the sentiment that was in my thought with reference to this discussion.

I would only add a word deprecating this style and manner of discussion in this great legislative body. Why is it that upon a question of this kind there must always appear to be such a diversity of interest that it looks as if it were almost a declaration of war between classes, sections, and interests in our country? Why can we not, as Americans, consider the welfare of the whole community, and not every man be grabbing for an advantage for the particular interest that he represents, or thinks he represents?

I wish to say, in answer to the gentlemen who referred to the Navy League, that I regard the Navy League as one of the patriotic institutions and voluntary gatherings of good people in this country who have only one thought in mind, and that is the maintenance of a navy that shall comport with the dignity and the greatness of this splendid Republic of ours. For many years before I became a Member of this House I was a contributing member of the Navy League, simply and solely from a sense of patriotic duty. I personally believe in a big Navy, because I believe it speaks for peace and that it will help to maintain peace.

Mr. TAVENNER rose.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I do not wish to be interrupted in the few minutes I have.

The CHAIRMAN. The gentleman declines to yield.

Mr. GRAHAM of Pennsylvania. I am for a big Navy, because I believe it helps to maintain the dignity of my country. I am for it in the interest of peace and as an American. I am also one of those who do not believe in the Government declaring itself at war with every big interest that may be created by thrift and skill in our midst. I am opposed to making war on everything because it simply has grown through the skill and ability of those who have had it in charge. European nations show us how they treat their successful business. We attempt to crush it at every step and in every stage. When citizens have been invited to invest their money in an enterprise like the great Cramp shipyard in Philadelphia, with a diversified stock ownership scattered through the community—upon which not one penny of dividend has been paid for 12 years, yet an organization has been kept up which has turned out battleships that are the pride and the glory of this country—why should we attempt to destroy an establishment like that and take the work from the workmen who are employed there and transfer it elsewhere simply upon the one cry against it that the contractor might make some profit out of the building of a ship. [Applause.]

Mr. BUCHANAN of Illinois. Mr. Chairman, I do not desire to take up much more time of the House, but I believe there ought to be something said in reply to the subterfuge in the form of an argument that has been made by the gentleman from Pennsylvania [Mr. MOORE] and also the gentleman from Pennsylvania [Mr. GRAHAM]. Some subterfuge is the only argument that anyone can make for profit-seeking criminal corporations.

Now, the gentleman from Pennsylvania [Mr. MOORE] has a navy yard in Philadelphia. I do not know whether it is in his district or not. I have heard him proclaim here what he wants to do for the people in that navy yard. I suppose his statements here have been printed in Philadelphia. We have to-day \$100,000,000 invested in navy yards throughout the country, and the greater proportion of them are not being utilized. An amendment like this will help to make use of those navy yards on which the Government has expended so much money. I never heard the gentleman from Pennsylvania or any of the other gentlemen who are so much interested in keeping the profits in the pockets of these trusts and corporations make any protests against spending money in these navy yards to equip them; but after it is spent there, and oftentimes wasted to satisfy some one in those districts, then these gentlemen want them to lie idle and not be utilized.

Mr. MOORE. Mr. Chairman—

Mr. BUCHANAN of Illinois. I do not yield to the gentleman.

Mr. MOORE. I yielded to the gentleman from Illinois several times.

Mr. BUCHANAN of Illinois. I do not yield. You will find them all the time opposing remedial legislation for labor, such as the seaman's bill, eight-hour bills, and other measures of like sort that the laboring people throughout the country want. At least, if they can do it under cover, if they can do it by some subterfuge, you will find them everywhere and all the time exercising their influence to that extent. So it is that I expect such arguments from such men, making a subterfuge argument about Government ownership, when we have already got Government ownership of navy yards without any protest against it. But when it comes to putting something into those navy yards so that they may be utilized, to help to absorb some of the overhead charges and other useless expenditures, then you hear some one who is opposed to Government ownership. I favor it, as far as I am concerned. I favor the Government doing those things that it can do, and manufacturing its own supplies, and I repeat again, that if the Government would manufacture its own war munitions altogether and have an income tax on large incomes to pay expenses, you would see the gentlemen who are in this so-called Navy League turning tail, and opposing large expenditures; because they are the men with large incomes, and they are the people who are getting profit by these contracts that the Government is letting out for naval supplies.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. TAVENNER. Mr. Chairman, am I permitted to use the remaining time?

The CHAIRMAN. All time has expired.

Mr. TAVENNER. I ask unanimous consent for three minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for three minutes. Is there objection?

There was no objection.

Mr. TAVENNER. Mr. Chairman, the gentleman from Pennsylvania [Mr. MOORE] is an able and conscientious Representative, and I have sincere admiration for him. But he has been on both sides—

Mr. MOORE. Mr. Chairman, I should like to hear the gentleman if he is going to address his remarks to me.

The CHAIRMAN. The committee will be in order.

Mr. TAVENNER. I desire to repeat that the gentleman from Pennsylvania has been on both sides of this argument.

Mr. MOORE. No; the gentleman from Pennsylvania has not.

Mr. TAVENNER. Only a short time ago the gentleman made a speech on the floor of this House asking that the Frankford Arsenal at Philadelphia be increased, so that it could do some work that is now going to private manufacturers. I have before me the figures that the gentleman from Pennsylvania [Mr. MOORE] placed in the RECORD, stating that at the Frankford Arsenal at Philadelphia they were manufacturing 3-inch shrapnel cases for \$1.75 that under private contract had been costing \$3.06; that they were manufacturing 3.8-inch common shrapnel for \$7.94, and that the very lowest price at which private manufacturers had ever done that work was \$17.50.

The speech of the gentleman from Pennsylvania [Mr. MOORE] showed on the whole that on a \$2,000,000 contract given to the Frankford Arsenal the Government had saved \$979,000, or practically \$1,000,000 on a \$2,000,000 contract. The gentleman from Pennsylvania did not contend at that time that if the Frankford Arsenal was increased it would take work away from private manufacturers. I think that when he was on the Government side he made the most convincing argument by far. [Applause.]

Mr. MOORE. Mr. Chairman, I ask unanimous consent to speak for two minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent for two minutes. Is there objection?

There was no objection.

Mr. MOORE. Mr. Chairman, I have not been on both sides of the question. I did put some figures in the RECORD which I am perfectly willing to stand by, that munitions of war could be made at the Frankford Arsenal cheaper than by outside manufacturers. I have stood up for the Philadelphia Navy Yard and for a transport to be built there. I do not believe that the gentleman from Illinois [Mr. BUCHANAN] voted to give us building ways on which to construct a ship. I believe he voted against it. I believe that he hocus-pocused this proposition to build a ship and then took away from us the means for building it.

Mr. BUCHANAN of Illinois rose.

Mr. MOORE. I can not yield. The gentleman from Illinois, Mr. TAVENNER, and the gentleman from Illinois, Mr. BUCHANAN, fail to grasp the very substance of this proposition, which is that if there is a navy yard that builds a ship and a private yard or a private shipbuilding company that builds a ship the result is competition.

Mr. DONOVAN. Will the gentleman yield?

Mr. MOORE. No; I have refused to yield. If there is a navy yard to build a ship and a private yard to build a ship, and two ships to be built, there will be more workmen to be employed, and there will be resulting competition. The gentleman wants to build all the ships under Government direction and have everybody in the navy yard. He wants a monopoly of Government control, and I want a fair competition between the Government manufacturing shops and manufacturers making the munitions of war to which the gentleman from Illinois [Mr. TAVENNER] refers.

Mr. BUCHANAN of Illinois. Mr. Chairman, I ask unanimous consent for three minutes more for the gentleman from Pennsylvania.

Mr. PADGETT. I object. Mr. Chairman, I ask for only one minute.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent for one minute. Is there objection?

There was no objection.

Mr. PADGETT. I want to invite the attention of the House to the amendment that is pending, which is to build submarines at navy yards. We have no organization for that purpose, and it would cost a great deal more to build them in navy yards, as shown by the estimates. These submarines are under patents, and we would have to pay the patentee from \$50,000 to \$75,000 on each boat. I hope the amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Four submarine boats, in an amount not exceeding in the aggregate \$1,500,000; and the sum of \$800,000 is hereby appropriated for said purpose.

Mr. BUCHANAN of Illinois. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 54, line 5, after the word "purpose" insert "to be constructed in Government navy yards."

Mr. BUCHANAN of Illinois. Mr. Chairman, there is no reason why the navy yards can not be organized to construct submarines as well as private yards can organize, and the patents which the chairman of the committee speaks of cuts no figure, because those who have the patents no doubt charge it into the contract price and the Government pays for the patent. That goes without saying.

The fact is, of course, that there has been no effort on the part of the Navy Department to organize for the purpose of utilizing the yards for the construction of the auxiliary vessels of the Navy. The management of these yards is not what it ought to be. If we had the proper management of the navy yards of the country there is no doubt that we would construct vessels cheaper than they could be constructed in private yards. We have already shown in the manufacture of powder and guns that we can manufacture cheaper, and there is no doubt in my mind, Mr. Chairman, that if a proper effort was made we could manufacture these auxiliary boats cheaper than in any private yard. As we all know, the working people there get better wages, work under better conditions; that they get time for vacations that those do not who work in private yards, and it seems that those who speak almost with tears in their eyes for their love for the working people and the large expenditures in the Navy that they are making to give those working people the benefit and which, they claim, is for their interest, when it comes to putting the work in the place where it can be done under the best conditions for the working people, they change their position in regard to the matter.

[Mr. WILLIS, by unanimous consent, was given leave to extend his remarks in the Record.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. BUCHANAN].

The question was taken; and on a division [demanded by Mr. BUCHANAN of Illinois] there were 34 ayes and 61 noes.

So the amendment was rejected.

The Clerk read as follows:

The three coast-defense submarine torpedo boats herein authorized shall be built on the Pacific coast: *Provided*, That the cost of construction on the Pacific coast does not exceed the cost of construction on the Atlantic coast plus the cost of transportation from the Atlantic to the Pacific; and the Secretary of the Navy is requested to consider the advisability of stationing the four small submarine torpedo boats herein authorized on the coast of the United States in the Gulf of Mexico as a proper naval defense thereof.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. I would like to ask what is the reason for inserting in the bill a request to the Secretary of the Navy to consider the advisability of stationing the four small submarine torpedo boats in the Gulf of Mexico. Since when did Congress commence to determine where naval vessels should be located in the service?

Mr. PADGETT. A provision of a similar character was inserted in the bill a year ago.

Mr. MANN. Where did the item get in?

Mr. PADGETT. In the House.

Mr. MANN. What were those, submarines?

Mr. PADGETT. Submarines.

Mr. MANN. What was the effect of that?

Mr. PADGETT. The boats authorized have not yet been completed.

Mr. MANN. Is not the Secretary of the Navy quite competent to determine these questions? At that time, I believe, I was in the Chair and could not raise the point of order. I can not conceive of anything more silly than to ask the Secretary of the Navy to take into consideration whether he will have a certain vessel put here or there. That is his duty.

Mr. PADGETT. I admit that it is the duty of the Secretary of the Navy, but people who felt interested in the matter asked for the location of these submarines.

Mr. MANN. Which particular gentleman had this done?

Mr. PADGETT. A number of gentlemen appeared before the committee, both from the Pacific coast and from the Gulf coast.

Mr. MANN. But these items are usually put in for the pur-

pose of renominating or reelecting some Member of Congress; and, perhaps, if I knew who it is, I would not make any objection. [Laughter.]

Mr. PADGETT. If the gentleman will look in the hearings, he will see.

Mr. MANN. Yes; but I am not going to look in the hearings.

Mr. GARRETT of Tennessee. Is the gentleman going to make the point of order?

Mr. MANN. Mr. Chairman, I am trying to find out who the gentleman was. I thought, perhaps, the gentleman who was particularly interested would rise. However, I am not going to say that the Secretary shall not have the opportunity of receiving the combined wisdom of Congress requesting him to exercise his jurisdiction, which he is required to exercise anyway, and to think, which he is supposed to do in any event.

Mr. PADGETT. Mr. Chairman, does the gentleman make the point of order?

Mr. MANN. I have not made it.

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order. I wish to inquire of the gentleman from Tennessee [Mr. PADGETT] whether these seacoast-defense submarine torpedo boats are to be constructed in private yards.

Mr. PADGETT. There is no limitation here.

Mr. FITZGERALD. That is the intention?

Mr. PADGETT. I do not know whether they will be or not. The Secretary has been talking about equipping the yard at Mare Island with a view of building submarines.

Mr. FITZGERALD. But the argument used against the amendments offered by the gentleman from Illinois [Mr. BUCHANAN] has been that these yards have not been equipped. The provision is that they shall be built on the Pacific coast, providing the cost of construction upon the Pacific coast does not exceed the cost of construction on the Atlantic coast, plus the cost of transportation.

Mr. PADGETT. Yes.

Mr. FITZGERALD. How is the cost of transportation from the Atlantic coast to the Pacific coast to be determined?

Mr. PADGETT. If the boat is constructed on the Atlantic coast, it would have to be carried around through the canal to the Pacific coast, and what the cost of carrying it around to the Pacific coast as a completed vessel would be would make the difference.

Mr. FITZGERALD. Can that be ascertained in advance?

Mr. PADGETT. I think so.

Mr. FITZGERALD. Particularly as there are no steamer lines routed through the canal from the Atlantic coast to the Pacific coast at this time, or within the time within which these boats will be authorized.

Mr. PADGETT. I understand that they can go through on their own steam.

Mr. FITZGERALD. Mr. Chairman, when the Union Iron Works were in existence at San Francisco and the Moran Bros. plant existed at Seattle, for some years it had been the custom to carry a provision that certain vessels authorized in the naval appropriation bill should be constructed upon the Pacific coast, if the bids did not exceed the lowest bids from builders on the Atlantic coast by more than 4 per cent.

Mr. PADGETT. Five per cent, I think.

Mr. FITZGERALD. No; 4 per cent. I took occasion to point out that the contracts for the construction of those vessels had been awarded for construction on the Pacific coast upon bids that were exactly 4 per cent higher than the lowest bid of the bidders on the Atlantic coast, and it was a notorious fact that that did not happen merely by accident, but that there was a prearrangement among the bidders in respect to the bids. Is this intended to help out some particular shipbuilding concern located in some particular part of the United States?

Mr. PADGETT. Not that I have any knowledge of.

Mr. ROBERTS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. ROBERTS of Massachusetts. The main purpose of this provision is to insure the stationing of these boats on the Pacific coast. If they are constructed on the Atlantic coast and then carried around, it will cost much more than it will if the boats are constructed originally on the Pacific coast, even if the price is a little greater for construction than on the Atlantic coast.

Mr. FITZGERALD. Oh, this whole paragraph is due to the vivid imagination of some gentlemen who think that unless we put submarines on the Pacific coast we will wake up some morning and find that Japan has captured the entire Pacific coast.

Mr. ROBERTS of Massachusetts. Is it not well to allay the alarm on the part of the people? I think I remember a time when the people of New York were somewhat alarmed.

Mr. FITZGERALD. Oh, the gentleman is thinking of the people of Boston, who moved their valuables into the Berkshire Hills because they were afraid the Spanish fleet would capture them. There was no such condition in New York.

Mr. MANN. The people of New York moved out of the city.

Mr. FITZGERALD. Oh, no; they did not.

Mr. CURRY. Mr. Chairman, I am from the Pacific coast, and I desire to say that I am not afraid of the Japs, whether there are torpedo boats stationed on the Pacific coast or not.

Mr. FITZGERALD. What I am trying to ascertain is whether this is designed to help some particular shipbuilding concern located in some particular part of the country.

Mr. MADDEN. Or some navy yard.

Mr. FITZGERALD. They do not build these vessels in navy yards.

Mr. MANN. The fact is that those ships are needed on the Pacific coast.

Mr. FITZGERALD. Yes.

Mr. MANN. And it may be cheaper to build them there than to take them around. It is not a matter that ought to be discussed very much on the floor of the House, but there are very good reasons for putting them there.

Mr. FITZGERALD. We might as well discuss it on the floor of the House, because naval attachés read these bills, and they understand their provisions just as well as we do.

Mr. MANN. Possibly they do.

Mr. FITZGERALD. Then why fool ourselves?

Mr. MANN. That is quite a little different, however, from a formal discussion here that may be reported in some other parliamentary body and excite too much feeling.

Mr. FITZGERALD. Well, too much attention should not be paid to statements made on the floor of parliamentary bodies, either in this country or others.

Mr. MANN. Oh, the gentleman is mistaken.

Mr. FITZGERALD. I said there should not be; I did not say it is not.

Mr. MANN. That is correct; it should not be.

Mr. STEPHENS of California. Mr. Chairman, I will say in answer to the gentleman from New York [Mr. FITZGERALD] that the first part of this paragraph was placed in the bill largely at my instance. It was done so that the three submarine torpedo boats, which are authorized in a previous paragraph, and which are intended for service on the Pacific coast, might be built where they are to serve. As the gentleman from Illinois [Mr. MANN] has just said, there are good reasons, which need not be gone into at this time, for additionally protecting the Pacific coast by placing battleships and more armored cruisers and more submarines of all kinds in our various harbors there. If we build them on that coast, we are sure of having them there. Again, we are entitled to have a fair share of the vessels authorized by this bill built and commissioned on the Pacific shores. Our Pacific coast shipyards, be they Government or private, can at small expense be fitted to construct these vessels. The Government shops at Mare Island can build one, the Bremerton yard another, and the third can go to some private shipbuilding firm if the bids so warrant.

Mr. Chairman, when I asked the committee to authorize this Pacific coast construction I had in mind only justice to the Pacific coast, and the keeping of our workmen busy throughout the year. No private shipbuilding concern had ever suggested anything of the kind to me. None are located in the congressional district which I represent in this House, yet, Mr. Chairman, I am patriotically interested in the continued growth of the three or four private shipbuilding concerns located near our largest cities. I had in view first the continued development of our western shipbuilding and repairing plants belonging to the United States Government, and next, additional work for our private concerns and their workmen. I hope the gentleman will withdraw his point of order.

Mr. PAYNE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PAYNE. Is there anything at all before the committee?

The CHAIRMAN. The point of order has been reserved.

Mr. PAYNE. The point of order has not been made?

Mr. FITZGERALD. It has been reserved.

Mr. PAYNE. I object to this discussion; it is out of order, and it has not added anything to the sum of human knowledge for some time.

Mr. MANN. It will be impossible to finish the bill by half past 3 o'clock.

Mr. PAYNE. I have had a number of offers to pair with me if I want to go to the ball game, if that is what the gentleman is getting at. I think the gentleman himself would pair with me if I desired it.

Mr. MANN. The gentleman will pardon my suggestion of going to the ball game. I was assuming that he would.

Mr. PAYNE. I will say to the gentleman from Illinois I am anxious to get through with this bill by Saturday.

Mr. FITZGERALD. Mr. Chairman, I withdraw the point of order so far as I am concerned.

The Clerk read as follows:

The Secretary of the Navy shall build any of the vessels herein authorized in such navy yards as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels have entered into any combination, agreement, or understanding the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels.

Mr. GRAY. Mr. Chairman, I want to say something on the question of Government construction, and I take advantage of this opportunity. We have repelled foreign foes, we have suppressed domestic insurrection, we have asserted our supremacy against the world, and yet to-day we are quailing before the Steel Trust and paying tribute to the monopoly engaged in the construction of warships and warship supplies.

Every taxpayer of this Nation should know of the extortionate profits which are wrung from the people on account of the increase of the Navy. Every taxpayer should know that the builders of warships and the manufacturers of armor plate, arms and armament, and warship supplies are all combined and operating under a trust agreement to avoid competition and to arbitrarily fix and maintain prices and that the Government is at their mercy and is compelled to submit to their charges, without regard to the value of the work performed or the materials or articles furnished.

Every taxpayer should know that upon the one article of armor plate alone the Government has been compelled to pay millions of dollars more than the fair and reasonable cost of producing armor plate and is to-day still paying these excessive profits and monstrous overcharges. They should know that when we build these two new dreadnaught battleships we will require 16,000 tons of armor plate; that we will be compelled to pay the Steel Trust for this armor plate at the rate of not less than \$140 per ton, or not less than \$7,040,000; that the Government can manufacture this armor plate at a cost not exceeding \$279 per ton, or not more than \$4,464,000, and thereby save to the taxpayers of this country \$2,576,000, which the Steel Trust will otherwise levy and collect as a tribute off of the American people.

They should know that what is true of armor plate is true of other articles—materials, works, and equipments that go into the construction of battleships. They should know that the total cost of these two dreadnaught battleships will be when completed \$15,000,000 each, or a total cost of \$30,000,000, and that substantially one-third of this sum, excepting for such articles as the Government manufactures itself, will be excessive profits and overcharge, commonly known and understood in present-day language as "graft," which the taxpayers will be compelled to pay as a tribute to the Steel Trust to swell the millions of Carnegie, Schwab, and Frick.

The taxpayers should know that the Government has been at the mercy of these naval-supply companies for more than a quarter of a century, and I want to give here a table which I have prepared, showing these monstrous overcharges which the United States has been compelled to pay every year since 1887 on the one single item of armor plate alone, to say nothing of the tribute levied from other material and other articles of arms and armament and supplies and equipment used in the Navy during that time:

Year.	Company.	Tons.	Average charge.	Total charged.	\$279 per ton, reasonable cost to manufacturer.	Overcharge or annual tribute collected off of taxpayer.
1887	Bethlehem.....	6,891	\$604.85	\$4,168,000	\$1,819,589	\$2,348,411
1890	Carnegie.....	6,054	671.15	3,475,000	1,688,066	1,786,934
1893	Bethlehem.....	3,882				
	Carnegie.....	3,120				
	Total.....	7,002	658.72	4,604,000	1,953,558	2,650,442
1896	Bethlehem.....	2,800				
	Carnegie.....	3,073				
	Total.....	5,873	550.23	3,232,080	1,637,567	1,594,513

Year.	Company.	Tons.	Average charge.	Total charged.	\$279 per ton, reasonable cost to manufacturer.	Overcharge or annual tribute collected off of taxpayer.
1898	Bethlehem.....	3,965				
	Carnegie.....	3,712				
	Total.....	7,677	\$400.00	\$3,074,800	\$2,241,883	\$832,917
1899	Bethlehem.....	1,142				
	Carnegie.....	1,134				
	Total.....	2,276	400.00	910,400	635,004	275,396
1900	Bethlehem.....	18,538				
	Carnegie.....	18,588				
	Total.....	37,176	413.42	15,369,400	10,372,104	4,997,296
1903	Bethlehem.....	5,798				
	Carnegie.....	5,666				
	Midvale <sup>1</sup> .....	6,180				
	Total.....	17,644	406.82	7,173,502	4,922,676	2,250,826
1904	Carnegie.....	5,258	417.28	2,194,040	1,466,982	727,058
1905	Bethlehem.....	4,959				
	Carnegie.....	1,921				
	Midvale.....	1,041				
	Total.....	7,921	403.03	3,223,412	2,109,959	1,113,451
1906	Bethlehem.....	1,824				
	Carnegie.....	1,865				
	Midvale.....	3,690				
	Total.....	7,379	345.92	2,552,382	2,058,741	493,641
1907	Bethlehem.....	3,579				
	Carnegie.....	3,538				
	Midvale.....	2,259				
	Total.....	9,376	416.90	3,919,400	2,615,904	1,303,496
1909	Bethlehem.....	7,731				
	Carnegie.....	7,757				
	Midvale.....	6,914				
	Total.....	22,402	422.29	9,463,767	6,241,832	3,221,935
1911	Bethlehem.....	4,469				
	Carnegie.....	4,530				
	Midvale.....	4,476				
	Total.....	13,475	430.58	5,801,508	3,759,525	2,041,983
1912	Bethlehem.....	5,022				
	Carnegie.....	5,132				
	Midvale.....	5,189				
	Total.....	15,343	428.26	6,573,612	4,280,697	2,292,915
1913	Bethlehem.....	2,669				
	Carnegie.....	2,684				
	Midvale.....	10,462				
	Carbon Steel Co. <sup>1</sup> .....	61				
	Total.....	15,876	457.50	7,204,977	4,429,404	2,802,901
	Total overcharge.....					30,734,125

<sup>1</sup> New company.

The above total is the tribute levied upon this Government and collected from the American taxpayers during the last 25 years upon the one item of armor plate alone, and which could have been saved to the people by the Government manufacturing its own armor plate.

From the reports of the different investigations ordered by Congress and the disclosures made by the different Secretaries of the Navy relative to the cost of producing armor plate and the overcharges exacted of the Government, among other facts, it has been found that in 1894, when the steel companies were charging the United States \$616.14 per ton for armor plate, the same companies were selling armor plate to the Russian Government for \$249 per ton, or, in other words, they were charging the United States \$367.14 per ton more than the foreign Government of Russia; that before the armor-plate manufacturers of the United States combined with the foreign armor-plate manufacturers under a world-wide trust agreement the United States manufacturers were selling armor plate to Italy, Japan, and other foreign Governments at prices far less than the prices they were compelling the United States to pay for armor plate; and that subsequent to this world-wide trust agreement among the armor-plate manufacturers Russia, Japan, and France have built armor-plate plants to avoid the excessive and extortionate charges for armor plate; and that by thus manufacturing their own armor plate these Governments have been able to ob-

tain armor plate for about \$200 a ton less than the manufacturers have been demanding.

It has also been found that at a hearing before the Senate Committee on Naval Affairs, ordered in January, 1896, to investigate the prices of armor plate with a view to building an armor-plate factory, and reporting February 11, 1897, that Lieut. Commander John A. Rodgers, among other witnesses and experts examined, stated:

I am of the opinion that the average cost of labor and materials will not be more than \$250 per ton of armor.

From the report of Secretary of the Navy Herbert, made January 5, 1897, it is shown that armor plate can be manufactured at prices far less than the prices charged the Government, and ranging from \$167.30 to \$197.78 per ton, and from which report the following is quoted:

The Secretary called together a board composed of Lieuts. Karl Rohrer, Kossuth Niles, and A. A. Ackerman, two of whom had been inspectors of armor at the Bethlehem Co.'s Iron Works; the other, Lieut. Ackerman, had been connected with the manufacture and use of steel in its different forms for a number of years, during which time he had spent several months at both the Bethlehem and Carnegie works. These gentlemen made an exhaustive report upon the cost of labor and material entering into a ton of armor, showing in detail every little item, beginning with the cost of the several ingredients charged in the furnace for casting the ingot preparatory to the forging process and ending with the work on the finished plate. The result of their calculations was that the cost of the labor and material in a ton of single-forged Harveyed nickel steel armor, the Government supplying the nickel (nickel at \$20 per ton), was \$167.30.

Lieut. Commander Rodgers, who had been an inspector at Bethlehem Iron Works, was called upon to make an estimate of the cost of manufacturing armor, and his report, based upon observation in the manufacture of armor, makes the cost of labor and material in a ton of single-forged Harveyed nickel steel armor \$178.59.

The inspector of ordnance at the Carnegie Steel Co., Ensign C. B. McVay, was also called upon for an estimate, and his report, though made separately without consultation with the other officers, is that the labor and material in a ton of single-forged Harvey nickel steel armor is \$161.54.

Average for single forged of above estimate is \$185.38, and \$197.78 for reformed armor.

It has been found from the report of every investigation made to ascertain the cost of producing armor plate that the fair and reasonable cost of producing such plate is far below the prices which the United States has been compelled to pay and is still paying, the highest estimate submitted being from Admiral Strauss, of the United States Navy, who fixes the limit of cost at \$279 per ton in an armor-plate factory of 20,000 tons capacity, and it is from this estimate that the foregoing table has been made.

The means and methods through which the steel manufacturers maintain these extortionate prices for armor plate and which enable them to levy and collect this tribute of millions annually from the taxpayers of the United States are simple enough when the facts are known and understood. There has been only three companies engaged in producing armor plate in the United States—the Carnegie Steel Co., the Bethlehem Steel Co., and the Midvale Steel Co. The Carbon Steel Co. is a new organization just entering the armor-plate field. When bids are advertised for all these companies have made almost identically the same bid, and have frankly admitted that no matter which company is awarded the contract the business is divided among all the companies. Not only this, but these companies have been called upon by the Secretary of the Navy to show the figures and data as to why the prices for armor plate should not be reduced to the fair and reasonable cost of producing armor plate in accordance with the facts ascertained from the investigations made for that purpose. They have refused to reduce the price or to present any figure or any data whatever to show that their charges are not extortionate or that the cost of producing armor plate as ascertained by the many investigations made is not correct. In addition to this it has been found that this understanding among the armor-plate manufacturers is no longer confined to the United States, but has been extended to include all the armor-plate manufacturers of the world; that no foreign manufacturer will enter the United States to bid against the armor-plate companies here; that the Armor-plate Trust has been made world-wide; and that the United States, as well as foreign nations, is entirely at their mercy and is compelled to pay the prices fixed under this trust agreement regardless of the cost of production.

The history of these extortionate charges exacted of the Government for armor plate is almost incredible for belief. It has not only been proven, but it has been admitted by these companies themselves, that no competition exists among them; that their bids are not only always the same, but that the business is actually divided out among all of the companies, no matter

which company is awarded the contract. Repeated investigations have not only confirmed these charges that the prices exacted for armor plate are excessive and far above the reasonable cost of production, but when called upon by the Secretary of the Navy to give facts and data to show why these prices should not be reduced they have absolutely refused to make any showing whatever in justification. The facts are both affirmatively proven and admitted; and yet, in the face of all this, the steel companies have been permitted to destroy competition and to proceed unmolested from year to year to exact these vast sums of money from the United States Treasury.

An investigation of the record shows that attempts have been made from time to time to relieve the Government from these extortions and overcharges and to prevent the further collection of this tribute from the American taxpayers, by providing for the manufacture of armor by the Government, but that some mysterious influence has each time intervened to defeat these efforts and to frustrate the plans and prevent the same from being carried out. Both committees of Congress and Secretaries of the Navy have repeatedly reported these extortionate charges and recommended the construction of a Government armor plant to secure relief from the further exactions of the Steel Trust. The money to construct a Government armor plant has three times been appropriated and made available for that purpose, and still the United States is paying this tribute of millions of dollars annually to the armor-plate manufacturers.

We have now authorized two more dreadnaught battleships, calling for 16,000 tons of armor plate, for which we will be compelled to pay to the Steel Trust at the rate of not less than \$440 per ton, or \$7,040,000, of which \$2,576,000 will be excessive overcharge.

It should be known that this vast sum of \$30,734,125 could have been saved to the taxpayers of this country on the one item of armor plate alone by the Government manufacturing its own armor, and that there could be now saved to the taxpayers of this country in the building of these two dreadnaught battleships on the one item of armor plate over \$2,576,000.

The authorization of these two battleships without providing for an armor-plate factory for the manufacture of the armor required is a surrender of the taxing power of this Government over to the Steel Trust to further extort from the people, and is a condonation of the pillage of the Federal Treasury for the last quarter of a century.

We boasted in the War with Tripoli that we had millions for defense, but not a dollar for tribute; but in the authorization of these two battleships to-day, if we refuse to build an armor-plate plant we not only say we have had \$30,000,000 for tribute and are willing to pay more, but we will say we have not a dollar for the defense of the Treasury and the relief of the American taxpayer.

An amendment will be offered to this bill providing for the erection of an armor plant by the Government, and this House will not perform its duties to the taxpayers of the country nor vindicate the confidence of the people if that amendment is not adopted.

After this Government has paid a tribute of more than a million dollars annually to the Armor Plate Trust for a quarter of a century, and in all more than \$30,000,000; after repeated investigations by congressional committees showing the monstrous extortions exacted of the United States and the saving which can be made, amounting to more than a million dollars upon every battleship authorized; after recommendations by two Secretaries of the Navy for the erection of an armor plant to escape these excessive charges of the Steel Trust; after three appropriations have been made for an armor plant without securing its construction; after a conclusive and undisputed showing that more than \$2,576,000 can be saved to the taxpayers of the Nation upon this one item of armor plate in the construction of the two battleships just authorized, the provision in the bill providing merely for an investigation for a site for an armor plant, without any appropriation or provision for its construction, will show a disregard of good faith and our pledges for economy in the administration of the affairs of the Government.

The authorization of these two battleships, without an appropriation and proper provision for the erection of an armor plant for the manufacture of the armor which will be required in their construction, is a crime against the taxpayers of this country. It is a breach of faith with the people. It is an appalling national scandal. It is a criminal waste of the public funds. It is a surrender of the taxing power of the Government for monopoly to extort from the people. It is a condonation of the pillage of the Public Treasury for a quarter of a century. [Applause.]

Mr. FOWLER. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 54, at the end of line 23, by adding the following: "And the Secretary of the Navy is hereby authorized to offer and pay rewards to any person or persons who shall first furnish evidence that shall lead to recoveries in fines, penalties, or otherwise from such persons, firms, or corporations entering into such combinations, agreements, or understandings, such rewards to be 10 per cent of the amounts recovered by the Government, and to be paid therefrom."

Mr. MANN. I make the point of order against the amendment on the ground that it is legislation.

The CHAIRMAN. The point of order is sustained.

Mr. FOWLER. Mr. Chairman, before the Chair passes on the point of order I desire to be heard.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. FOWLER. I desire to call the attention of the Chair to the fact that the paragraph itself is subject to a point of order, and had a point of order been made against it the Chair would have been compelled to have sustained it. That being true, then any amendment which is germane to the paragraph is not subject to a point of order. As the Chair will observe from the reading of the paragraph, it gives to the Secretary of the Navy some additional powers which are created by this paragraph and which the Secretary of the Navy does not have now. That being true, then an amendment which is germane to the paragraph for the purpose of perfecting it is certainly not subject to a point of order.

The CHAIRMAN. The Chair would be glad to hear the gentleman upon the question as to whether or not this amendment is germane.

Mr. FOWLER. The Chair will observe that the object of the paragraph is to confer a power upon the Secretary of the Navy to do certain things in the construction of war vessels, provided that in his opinion the circumstances are such as to justify him in believing that the persons, firms, or corporations who are the source of supply for the materials have entered into a combination or an agreement or an understanding for the purpose of preventing free and unrestricted competition in letting the contracts for the construction of these war vessels.

Now, Mr. Chairman, the paragraph dealing directly with the question of the combination in restraint of open, free, and unrestricted competition in letting these contracts imposes upon the Secretary of the Navy a duty which he must discharge before he can decide in what navy yard the warships shall be built. That is, that he shall collect in some way evidence sufficient for the purpose of arriving at a reasonable conclusion that these persons, firms, or corporations are engaged in an understanding, a mutual understanding, for the purpose of destroying unrestricted and free competition in the letting of the contracts for the construction of these vessels.

Now, Mr. Chairman, dealing with the question of evidence, it becomes necessary on the part of the Secretary of the Navy to collect the evidence which is sufficient to bring him to a just conclusion before he can act upon this section. The amendment seeks to aid the Secretary in getting at the evidence in order that he may arrive at a correct conclusion, and that is to offer a reward for the evidence. That is one of the most effective ways to secure evidence. Wherever the criminal has committed a deed and fled the country, or whenever the criminal has committed a deed in secrecy and covered up his crime so that it can not be detected readily, the most effective means of getting the evidence is to offer rewards. It is the weapon by which municipalities, States, and the Nation have procured the necessary evidence to convict the criminal.

Mr. Chairman, if this paragraph was originally subject to a point of order, which I presume nobody will deny, then the amendment is germane, because it deals with one of the essential elements in the paragraph, and that is with the question of evidence, and the reward which it proposes to offer is the very best means of securing the proper evidence upon which to determine as to whether there is an agreement or an understanding between the persons, firms, or corporations in restraint of a free and unrestricted opportunity for competition in letting these contracts. It may be said by some that that part of the amendment which seeks to limit the amount that may be paid in these rewards is new legislation. Mr. Chairman, that is just in harmony with the other part of the amendment, because it deals with a paragraph in itself subject to a point of order. It seeks nothing more nor less than the paragraph itself, with the exception of extending the powers of the Secretary of the Navy in order that he may procure the proper testimony.

I call the attention of the Chair to a recent ruling during this session of Congress. The Chair will remember that in the consideration of the executive, judicial, and legislative bill there

was an amendment offered by the chairman of the subcommittee, Mr. JOHNSON of South Carolina, in committee, to a certain paragraph which purported to repeal the laws inconsistent with the provisions of the bill. Those laws dealt with the salaries of various officers and employees of the Government. Mr. GARNER of Texas was in the chair, and when the amendment was offered it not only dealt with the question of repeal of laws fixing salaries, but it went to the extent of creating a new law fixing these salaries. And the Chairman, after listening to the debate, overruled the point of order.

Now, Mr. Chairman, in that instance the only thing the Chair in his ruling sought was the question as to whether the amendment was germane to the subject matter. He determined that the amendment which related to the question of the repeal of a law was germane to enact a new law instead of the laws that then existed on the statute books.

Now, Mr. Chairman, if the Chair on that occasion was correct in his rulings and it was accepted by the House, then this amendment to the paragraph under consideration only goes to the extent of perfecting that paragraph; and that is one of the rules, Mr. Chairman, that this House has always been governed by; that is, whenever a provision in a bill is subject to a point of order, yet no point of order being raised, then any amendment that is germane to the subject matter in the paragraph is not subject to a point of order. I have just gone through with and read over a long list of authorities passing upon this question, and in no instance have I found but that the rulings of this House present an unbroken line of authorities to the effect that whenever a paragraph in an appropriation bill carries with it new legislation subject to a point of order, then an amendment which is germane to that paragraph may be offered by any Member of the House, and it is not subject to a point of order.

The CHAIRMAN. There is no dispute between the Chair and the gentleman upon that subject. The question is, Is this germane?

Mr. FOWLER. Mr. Chairman, I think it is entirely germane. The paragraph—and I desire to get it in the Record—reads as follows:

The Secretary of the Navy shall build any of the vessels herein authorized in such navy yards as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels have entered into any combination, agreement, or understanding the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels.

Now, let us see what the amendment is. The amendment is: *Provided further*, That no part of this—

The CHAIRMAN. The Chair has the amendment which the gentleman is looking for.

Mr. FOWLER. I thought I had a copy of it, Mr. Chairman. I will be glad to have the Clerk report the amendment again, Mr. Chairman.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amend, page 54, at the end of line 23, by adding the following: "And the Secretary of the Navy is hereby authorized to offer and pay rewards to any person or persons who shall first furnish evidence that shall lead to recoveries in fines, penalties, or otherwise from such persons, firms, or corporations entering into such combinations, agreements, or understandings, such rewards to be 10 per cent of the amounts recovered by the Government, and to be paid therefrom."

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Is this amendment now being offered again?

The CHAIRMAN. It is being read again. The gentleman from Illinois [Mr. FOWLER] asked that it be read again.

Mr. FOWLER. Mr. Chairman, I thought I had a copy of the amendment with me, but I see that I have not.

Now, Mr. Chairman, the amendment deals with the same subject matter that the paragraph does. And what is that? It deals with the question of evidence which may be necessary to enable the Secretary of the Navy to determine the question as to whether these persons, firms, or corporations have entered into a combination or understanding the object and effect of which are to destroy free and unrestricted competition in letting contracts for the building of any of these vessels.

Now, Mr. Chairman, it is impossible for the Secretary of the Navy to know whether there is such an understanding between these persons, firms, or corporations without getting the evidence; and this amendment provides a method to get the evidence, and that is to offer a reward for the evidence, bearing directly upon the same subject matter, and the amendment itself refers to the same subject matter that is dealt with in this paragraph.

And, Mr. Chairman, I can not understand that there is an element in the amendment that is not carried, either directly

or indirectly, in the paragraph. And as the paragraph itself is subject to a point of order, and no point of order having been raised against it, then any amendment that is germane to the subject matter is in order, although the amendment may go further than the paragraph itself.

The CHAIRMAN. The Chair will hear what the gentleman may further have to say on that subject.

Mr. FOWLER. If there is any part of the amendment as to which the Chair has doubt in his mind I would be very glad to have him indicate it, if he thinks it is not germane.

The CHAIRMAN. The Chair will say that upon a somewhat casual listening to the first reading of the amendment as reported by the Clerk he arrived very quickly at the conclusion that the amendment was not germane, and therefore ruled that it was subject to the point of order. The Chair does not know that he has changed his opinion, but upon a careful reading of the amendment the Chair sees in it more from the gentleman's standpoint than he first thought was in it. The paragraph of the bill to which this is an amendment says:

The Secretary of the Navy shall build any of the vessels herein authorized in such navy yards as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels have entered into any combination, agreement, or understanding the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels.

Now, the gentleman's amendment seems to be germane down to a certain point in that amendment. In other words, the gentleman's amendment seeks to give the Secretary of the Navy ways and means by which to ascertain whether or not it appears that there is such a combination. The Secretary of the Navy, under the wording of the bill, may or may not wait for voluntary information to come to him for the purpose of ascertaining whether or not there is such a combination. But the gentleman's amendment goes further than that, and in the latter part of it says:

Such rewards to be 10 per cent of the amount to be recovered by the Government, and to be paid therefrom.

First, it provides for the payment of rewards; and then, in the latter part of the amendment, the language I have just read occurs. The Chair is apprehensive that that part of the amendment is not germane, inasmuch as it imposes a penalty, indirectly, of course; and it also necessarily takes into consideration some judicial finding thereafter to be made. The Chair is inclined to the opinion that that is too remote in order to be germane.

Mr. FOWLER. Well, Mr. Chairman, there is only one way that the Secretary of the Navy can make up his mind as to whether there is a combination or understanding in restraint of free and unrestricted competition.

The CHAIRMAN. Yes; but the gentleman couples a probable judicial finding with the manner in which the Secretary of the Navy may reach that conclusion.

Mr. FOWLER. The amendment does not impose any judicial finding, as I understand it.

The CHAIRMAN. It imposes a penalty of 10 per cent upon conviction. There must be some penalty and a conviction before this reward can be paid.

Mr. FOWLER. Well, Mr. Chairman, the offering of the reward necessarily means the payment of money or something of value for the evidence. That being true, to fix in the amendment the way in which the reward can be paid is germane, just as much germane as though it left out the means or the way in which the reward might be paid.

The CHAIRMAN. The Chair does not know whether or not some direct means may be found, but is inclined to the opinion that this means is too indirect. In other words, in order to be germane it must "intimately and directly" relate to the subject matter of the paragraph. Therefore the Chair sustains the point of order. The Clerk will read.

Mr. FOWLER. Mr. Chairman, I desire to reoffer the amendment and leave out that portion of it which relates to the question of the means whereby the funds may be raised for the reward.

The CHAIRMAN. The gentleman will please change the amendment to suit himself and offer it in writing. The Clerk will read the amendment which the gentleman from Illinois [Mr. FOWLER] sends to the Clerk's desk.

The Clerk read as follows:

Amend page 54, at the end of line 23, by adding the following: "And the Secretary of the Navy is hereby authorized to offer and pay rewards to any person or persons who shall first furnish evidence that shall lead to recoveries in fines, penalties, or otherwise from such persons, firms, or corporations entering into such combinations, agreements, or understandings."

Mr. PADGETT. Mr. Chairman, I make the point of order that carries the same matter that you ruled upon awhile ago.

The CHAIRMAN. The Chair is in doubt whether it does or not.

Mr. PADGETT. I will ask for a ruling by the Chair.

The CHAIRMAN. Without further light being thrown upon it, the Chair overrules the point of order.

Mr. PADGETT. Now, Mr. Chairman, I will ask for a vote. All I want to say is that this amendment would still allow the Secretary of the Navy to obligate the Government for any amount to an unlimited reward. There is no limitation placed upon it. He can obligate the Government to pay a reward of \$1,000, \$10,000, or \$100,000.

The CHAIRMAN. The Chair will say to the gentleman, however, that the amendment is germane.

Mr. FOWLER. Mr. Chairman, I desire to be heard on the amendment, and I understand that there are other gentlemen who desire to be heard upon it.

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. FOWLER. Mr. Chairman, in 1894 there was a resolution passed in the House authorizing an investigation by the Committee on Naval Affairs. In that investigation it turned out not only that there were combinations for the purpose of stifling competition, but that there were combinations for the purpose of increasing the price of armor and for the purpose of putting off on the Government a very inferior armor for our war vessels.

In that investigation President Corey, of the Bethlehem Co., was before the committee, and he was asked this question:

Did you ever know of plugging being done without the knowledge of the inspector?

That is, the plugging of armor plates. It had been rumored and charged that it had been the custom of those manufacturing concerns from which we got our armor to use rotten material, if I may use the word "rotten," to the extent that they could not make a homogeneous plate; that there were great blowholes in the plates, which endangered the lives of our seamen and endangered the efficiency of our Navy. President Corey, of that company, when asked if he knew of the plugging of those plates having been done without the knowledge of the inspector, answered "yes." He was further asked:

Can you specify the time and what plate it was?

He answered:

No; I can not; I do not know.

Then Charles Schwab came on the stand. He was then the superintendent, and he was asked this question:

Do you know whether the company did really conceal the fact of blowholes in the plates?

He answered:

I think likely that was done.

Another question:

Was it done with your knowledge?

He answered:

Well, the concealment was not; no; but I had knowledge of this fact, that they did not make any plates that did not have blowholes.

Samuel Sheriff testified:

The plugging and doctoring of plates was generally done at night, when no inspectors were about, but I seen one fixed one day at noon.

T. F. Farley, in an affidavit concerning the plates of the *Monterey*, testified:

They were frequently imperfect, full of deep blowholes and defects. They were frequently taken off the planer in the daytime and hidden or covered up until night, so as not to be seen by the inspectors, and then worked upon in the nighttime.

He adds that the holes would be filled up and plugged by orders of those in authority about the mill.

G. W. Kountz made affidavit:

I have known of heavy plates being plugged of holes from 4 to 6 inches, unknown to the Government inspector. This fraud has been practiced upon the Government since long before November, 1892, and since September, 1893.

T. F. Farley testified:

I have seen them long enough for a person to run three fingers into them.

Q. How were they plugged?—A. When I first went there they were plugged by taking cuttings from the same plates, and with a small hand hammer those cuttings were taken, and by pushing or placing small cuttings into these blowholes until they were full, then hammering them in with a punch and placing more and more in the hole until it was level, until it could stand no more plugging.

Q. Did you never try to search them?—A. Yes, sir; I have used a small flexible wire, and run it in. I have run wires in to the depth of 18 inches into the plates, and I know that plates that I run a wire into 18 inches passed and are now somewhere.

This evidence shows that after making a series of imperfect plates full of blowholes these plates were put off on the Government. That means that they were concealed during the daytime

and plugged and surfaced over during the nighttime, in order to deceive the authorities inspecting for the United States.

The Secretary of the Navy offered a reward for the purpose of getting evidence to convict the Carnegie Steel Co., and the investigation went on, and there was a finding by reputable citizens, men who were experienced in the work, men who had worked for the Carnegies, men who had worked for the Government as inspectors of armor, and these men came to the conclusion that there was something like from \$300,000 to \$600,000 damages to the American people and the American Navy by the fraud which had been perpetrated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

Mr. PADGETT. Mr. Chairman, I shall have to object; and I move that all debate upon the paragraph and amendments thereto be closed.

The CHAIRMAN. It is moved that all debate on this paragraph and amendments be closed.

Mr. TAVENNER. I want to object to that. We are now coming to the point where the armor ring are going to get \$16,000,000 worth of contracts, and the gentleman wants to rush it through.

Mr. PADGETT. This amendment has nothing to do with armor.

Mr. TAVENNER. It has a great deal to do with it.

Mr. FOWLER. I desire to be heard on the motion.

Mr. PADGETT. It is not debatable.

Mr. MANN. The gentleman knows as well as anybody that the motion to close debate is not debatable.

Mr. FOWLER. I move to amend, to close debate in 25 minutes.

Mr. MANN. That is a substitute motion, as I understand.

The CHAIRMAN. It is either an amendment or a substitute.

Mr. MANN. I move to amend the substitute by making it 1 hour and 25 minutes.

The CHAIRMAN. The vote will first be on the longer time. The question is on the amendment of the gentleman from Illinois [Mr. MANN] proposing 1 hour and 25 minutes.

The amendment was rejected.

The CHAIRMAN. The next proposition is that offered by the gentleman from Illinois [Mr. FOWLER], to close debate in 25 minutes.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. FOWLER. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 15, noes 58.

Mr. FOWLER. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from Illinois asks for tellers. Those favoring tellers will rise. Evidently not a sufficient number, and the motion is rejected.

Mr. FOWLER. I ask for the other side, Mr. Chairman.

Mr. MANN. There is no other side on the demand for tellers. It takes 20.

The CHAIRMAN. There is no other side. The result has been announced.

Mr. FOWLER. I make the point that there is no quorum present.

The CHAIRMAN. The gentleman makes the point of order that there is no quorum present. [After counting]. One hundred and forty-three Members present, a quorum. The question is on the motion of the gentleman from Tennessee [Mr. PADGETT] to close debate on the paragraph and amendments thereto.

The motion was agreed to.

The CHAIRMAN. Was a point of order made against the pending amendment?

Mr. PADGETT. The point of order was made, and the Chairman overruled it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The amendment was rejected.

The Clerk read as follows:

Construction and machinery: On account of hulls and outfits of vessels and steam machinery of vessels heretofore and herein authorized, to be available until expended, \$17,647,617.

Mr. VARE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out the paragraph and insert the following:

"Construction and machinery: On account of building slips and equipment, hulls and outfit of vessels, and steam machinery of vessels heretofore and herein authorized, to be available until expended, \$17,647,617."

Mr. PADGETT. To that I make a point of order.

Mr. VARE. Will the gentleman reserve the point of order?

Mr. MANN. What is the point of order?

Mr. PADGETT. That it is not germane to the bill. This is for the construction of the ship, and the amendment is for yard improvement.

Mr. MANN. It all has to do with the construction of the vessel, as far as that is concerned. I do not see what point of order there is to that. Of course this would not authorize the construction of any slip, unless authorized by law.

The CHAIRMAN. The paragraph is for the construction of hulls, outfits of vessels, and steam machinery of vessels heretofore and herein authorized, to be available until expended. The amendment is for building slips and equipment, and so forth. The additional language of the amendment would add to the paragraph the words "slips and equipment." The Chair is of the opinion that it is germane.

Mr. JONES. I would like to be heard a moment on that.

The CHAIRMAN. The Chair will hear the gentleman from Virginia.

Mr. JONES. This paragraph relates solely to hulls and steam machinery for vessels herein or heretofore authorized. It appropriates \$17,000,000 for hulls and machinery for vessels, and this amendment, if adopted, will authorize the expenditure of a part of this sum for building ways for navy yards. It does not relate to the equipment of vessels, but, on the contrary, to the equipment of navy yards. The Chair has already ruled a similar proposition out of order. The language of this amendment is substantially similar, or similar in principle, to that of the paragraph for a building way at the League Island yard. It is clearly not germane and is also new legislation. It is to enable the Secretary of War out of this appropriation of \$17,000,000 for hulls and machinery for vessels to construct slips or building ways at navy yards.

Mr. MANN. How can the gentleman claim that this is legislation when this is confined to vessels hereinbefore authorized?

Mr. JONES. It is not confined to vessels at all. It is confined to navy yards.

Mr. MANN. It is confined to what has been authorized.

This paragraph is on account of hulls, outfit of vessels, and steam machinery of vessels herein or heretofore authorized, and the language of the amendment is precisely the same; it is for building slips and ways heretofore authorized.

Mr. JONES. And the building slip is no part of the outfit or the steam machinery of a vessel, as the gentleman knows perfectly well. It is not germane to the subject matter of the paragraph, and it is new legislation.

The CHAIRMAN. The Chair would like to invite the attention of the gentleman from Virginia to the fact that this is for slips and equipment heretofore authorized. It refers to slips and equipment heretofore authorized as much as it refers to ships heretofore authorized.

Mr. JONES. What equipment and slips have been heretofore authorized?

The CHAIRMAN. That is not for the Chair to determine.

Mr. JONES. But the burden rests upon the author of the amendment to show that building slips have been authorized.

The CHAIRMAN. The Chair would say that whether the slips and equipment have heretofore been authorized is not for the Chair. If they have not been authorized, the Secretary of the Navy would not be authorized to make an expenditure for them.

Mr. JONES. I understand that it is the opinion of the Chair that unless there are building slips and equipment already provided—

The CHAIRMAN. Already authorized.

Mr. JONES. That this authorization could not possibly avail.

The CHAIRMAN. The Chair has not put it as strong as that, because he has not seen the necessity for so doing. This amendment provides for slips and equipment, hulls, outfit of vessels, and so forth, heretofore and herein authorized.

Mr. MANN. It is perfectly plain that it could not be expended unless the slip had been authorized.

Mr. JONES. Gentlemen ought to be able to point out some slips that have been authorized somewhere to which this would apply.

Mr. MANN. That has nothing to do with the point of order.

The CHAIRMAN. That is not a parliamentary question; it is one of fact to be ascertained hereafter by the Secretary of the Navy.

Mr. SAUNDERS. Mr. Chairman, it strikes me that the question of authority for the slips is vital. When the point of order is made to this amendment it puts the burden on this gentleman to show that his amendment is in order and that there have been slips authorized.

The CHAIRMAN. That would come directly up to the Secretary of the Navy. If they are not authorized, he has no authority to expend the money for them.

Mr. SAUNDERS. When any item of appropriation in this bill is under consideration and the point of order is directed to the item, you do not refer it to the department to show authority for the item, but to the chairman of the committee.

The CHAIRMAN. It is either a judicial or a quasi judicial question, which is not for the Chair.

Mr. JONES. I would like to ask the chairman if it is not true—

Mr. GREENE of Massachusetts. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia can not be taken off his feet by a parliamentary inquiry.

Mr. SAUNDERS. Mr. Chairman, I believe I have the floor, because I was yielded to by the gentleman from Virginia [Mr. JONES].

The CHAIRMAN. The gentleman from Virginia will proceed.

Mr. SAUNDERS. I want to proceed with the argument on the point of order.

Mr. GREENE of Massachusetts. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GREENE of Massachusetts. I make the point of order that this discussion is not allowable, as the Chair has already decided it.

The CHAIRMAN. The Chair will either withdraw or withhold his former decision for the purpose of hearing the gentleman from Virginia.

Mr. SAUNDERS. Mr. Chairman, I wish to repeat in connection with what I was saying, that it does seem to me that this is not a question of authority referable to the Secretary of the Navy, but a question of authority to be passed on by the Chair in connection with the proposed amendment. Suppose that with reference to a section of the bill offered by the gentleman from Tennessee, a point of order is made to the effect that the appropriation ordered is not supported by some existing authority of law, would not the burden fall upon the chairman of the committee to furnish the authority for the appropriation? That is precisely the situation here. The gentleman from Pennsylvania offers an amendment providing for an appropriation for a slip that has been authorized, and in that connection if he can furnish the authority for such a slip, his amendment is clearly in order.

But if he can not show anywhere that such a slip has been authorized, then how does he bring himself within the rule requiring authority of law to justify an appropriation? This question is not referable to the Secretary of the Navy at all. It is referable to the Chair, because the parliamentary status of the amendment is in question. This seems to me to be unquestionably the situation presented.

Mr. PADGETT. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. PADGETT. Under the language of the amendment it would apply not to any particular yard, but to slips in any yard in the United States.

Mr. SAUNDERS. Certainly.

Mr. PADGETT. Well, we have slips at other places.

The CHAIRMAN. Are there not slips authorized?

Mr. SAUNDERS. That is exactly what I wish to develop. I wish to develop by the gentleman who offers the amendment, the slips to which this appropriation may be appropriately applied. If there are any slips authorized to which it may be applied, then I concede at once that the amendment is in order, but when I raise the point of order to the gentleman's amendment, the burden is instantly put upon him, to show some slip or slips to which this appropriation can be properly applied.

Mr. PADGETT. There are a number of slips in New York.

Mr. LOGUE. Does the gentleman mean to say that it is within the power of the House to take away from the Secretary of the Navy the use of money and for us to designate it instead of him?

Mr. SAUNDERS. Unless there is authority for an appropriation, the appropriation can not be made.

Mr. LOGUE. Will the gentleman permit me to call his attention to the fact that this very day this committee has authorized such an appropriation.

Mr. SAUNDERS. An appropriation for something not authorized?

Mr. LOGUE. The committee authorized an appropriation of \$200,000 for any yard to which the Secretary of the Navy may designate the construction of a battleship.

Mr. SAUNDERS. That was because there was authority for the appropriation. There is no legislative authority here. This is a direct appropriation of money for something said to be authorized by law. If there is a slip to which this appropriation can be applied and expended, then the gentleman offering the amendment should state where that slip or slips may be found. This statement will then determine the application of this appropriation. If there is a slip authorized by law somewhere in this bill, or elsewhere, then this \$200,000 may be appropriately voted for the construction of that slip, but you can not vote an appropriation for a slip for which there is no authority, and then allow the Secretary of the Navy to apply the fund in a manner not authorized by law. The Chair passed on that question the other day. If these gentlemen have in mind that this appropriation can be applied to the slip in the navy yard at Philadelphia by the Secretary of the Navy, such an application would be in direct contravention of the ruling of the Chair. He held that there was no authority of law under which \$200,000, or any other amount could be applied to the slip at the Philadelphia Navy Yard. Hence I am calling on these gentlemen to show the slip to which this appropriation could be applied.

The CHAIRMAN. There is no authority in this proposed amendment on which the Secretary of the Navy could expend any money on any slip not authorized.

Mr. SAUNDERS. No, and that is the reason why I call on the gentleman from Philadelphia to explain what slip there is on which this fund can be expended. As a result of the point of order, I have a right to require the gentlemen to furnish me with the whereabouts of the slip or slips to which his amendment can relate.

Mr. PADGETT. Mr. Chairman, I will state that there are slips in the New York Navy Yard and in the Mare Island Navy Yard and some at Boston.

Mr. SAUNDERS. Then it is developed that this money may be expended either at New York, or Mare Island, or at Boston, but no other application can be made of it. If that be true, I desire to offer an amendment.

The CHAIRMAN. The Chair is of opinion that this money can be used, in part at least, by the Secretary of the Navy, if there is an authorized slip; and the Chair has a recollection, only a few days old, that there is a slip at least at Boston, Mass.

Mr. SAUNDERS. Yes. I do not gainsay the proposition that this money may be expended at the Boston Navy Yard, but it can not be put into this bill to be expended at the Philadelphia yard.

The CHAIRMAN. The Chair is ready to rule.

Mr. JONES. Mr. Chairman, I yielded the floor to the gentleman, and I do not wish to take up any more of the time of the Chair. I simply wish to add that when a point of order is made against an amendment on the ground that the proposition which it embodies is not authorized by existing law, and that the burden is placed upon those who supported it to point out the existing law. If it is objected that the appropriation carried in the amendment is not to continue any work already in progress, then those who claim to the contrary must show that there is a work in progress.

The CHAIRMAN. This amendment provides for slips and other kinds of equipment that are heretofore or herein authorized.

Mr. JONES. Yes.

The CHAIRMAN. The Chair takes legislative, if not judicial, notice of the fact that a slip is authorized in this very bill.

Mr. JONES. At Boston.

The CHAIRMAN. Yes.

Mr. JONES. I understand that to be true, and yet I do not think that affects the rule that the burden rests upon the author of the amendment to show the law which, in his judgment, authorizes the construction of the building slip which his amendment seeks to provide the money to build.

The CHAIRMAN. The law happens to be in this bill, and it is in that part of the bill which has been passed on.

Mr. JONES. With the understanding that it has already been held by the Chair that there was no authorization for a slip at Philadelphia—

The CHAIRMAN. But the Chair does not decide that.

Mr. JONES. When the Chair ruled out the paragraph for the Philadelphia yard the Chair put it upon the ground that there was no law authorizing a building slip there.

The CHAIRMAN. That was a proposition for a naked appropriation.

Mr. JONES. Yes; and I can have no objection to this amendment if I correctly understand the ground upon which he would hold it in order.

The CHAIRMAN. Well, the Chair will base the ruling he now contemplates making for the reasons he has given and not upon the conclusions which the gentleman has reached.

Mr. JONES. Of course, I understand that perfectly well, Mr. Chairman, and I feel assured the Chair's ruling will be consistent with that he made in regard to the transport.

The CHAIRMAN. The Chair will endeavor to have it consistent.

Mr. MANN. I want to ask the gentleman from Virginia a question, and I would like to make one observation on the point of order.

Mr. JONES. I will be glad to answer it if I can.

Mr. MANN. I do not think the gentleman will be glad, and I do not think he can—

Mr. JONES. I said, "if I could." I have no doubt the gentleman can ask a great many questions I can not answer.

Mr. MANN. I am not endeavoring to criticize the gentleman. The gentleman's position is that the author of this amendment must show when and where a slip was authorized. If that be the case, then the chairman of the committee which reported the bill must show when and where and how outfits of vessels and the steam machinery of vessels, amounting to \$17,647,617, was authorized. I would like to hear the gentleman answer that question.

Mr. JONES. My answer is that the chairman of the committee will have to show that they are authorized by law if a point of order is made against the paragraph, and I have no doubt but that he will be able to do so. But I do not understand that any point of order has been made against the paragraph, and therefore it is not necessary for him to show it. Had such a point been made, the burden would have been cast upon the chairman of the committee to show that the hulls and machinery had been authorized.

Mr. MANN. But that is in the same amendment, so that he would call upon the gentleman from Pennsylvania to show exactly how this \$17,000,000 is to be expended—and the very reason that it is not done is because it is so absurd it can not be done. You put in a provision if it is authorized by law. You can not expend money unless it has been authorized by law. No one can tell exactly how this \$17,000,000 will be expended—on hulls or outfits of vessels or steam machinery. All the information all the men in the world have will not answer that question in advance.

The CHAIRMAN. The Chair overrules the point of order.

Mr. SAUNDERS. Mr. Chairman, I desire to offer the following amendment. Mr. Chairman, it having been developed in the course of this discussion that there are slips which have been authorized by law and with respect to which therefore this money can be appropriately expended, I desire to offer an amendment to the amendment of the gentleman from Pennsylvania.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

To wit, at New York, Boston, or Mare Island.

Mr. SAUNDERS. Now, Mr. Chairman, a word in that connection—

Mr. MANN. Where does that come in?

Mr. SAUNDERS. At the end of the amendment offered by the gentleman from Pennsylvania.

Mr. MANN. The gentleman from Pennsylvania offered it to the paragraph.

Mr. PADGETT. That limits the appropriation of \$17,000,000 that is for ships to those yards, and should have no application to it.

Mr. SAUNDERS. Oh, no.

Mr. PADGETT. Yes; it does; it limits the whole thing.

Mr. SAUNDERS. I will ask the Clerk to report the amendment again. Let us have the amendment read again.

The Clerk read as follows:

Add to the amendment the following: "To wit, at New York, Boston, or Mare Island."

Mr. SAUNDERS. I wish the Clerk to read the amendment offered by the gentleman from Pennsylvania.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Construction and machinery: On account of building slips and equipment, hulls, and outfits of vessels and steam machinery of vessels heretofore and herein authorized, to be available until expended, \$17,647,617.

Mr. SAUNDERS. I see I will have to modify my amendment a little.

The CHAIRMAN. The Clerk will report the amendment and then report the amendment to the amendment.

The Clerk read as follows:

Amend the amendment by inserting after the word "equipment" the words "at New York, Boston, Mare Island, and."

The CHAIRMAN. So it will read when amended.

The Clerk read as follows:

Construction and machinery: On account of building slips and equipment at New York, Boston, Mare Island, and hulls and outfits of vessels and steam machinery of vessels heretofore and herein authorized, to be available until expended, \$17,647,617.

Mr. PADGETT. Now, Mr. Chairman, I simply want the attention of the committee for just a minute or two. Under either the original amendment as offered, or if it should be amended as proposed by the gentleman from Virginia, you would make available the whole sum of \$17,647,617 for building slips and equipment at the yards of this country mentioned, and they could use any amount of the \$17,000,000 and then come back here next year and say they need all this money to finish the hulls and the machinery and the equipment of the ship.

Mr. MANN. Will the gentleman yield for a question?

Mr. PADGETT. Yes.

Mr. MANN. They do not expend any money unless they are authorized by law.

Mr. PADGETT. But they could expend it at these yards where they have these slips.

Mr. MANN. Not unless the slips were authorized or the equipment was authorized by law or in this bill.

Mr. PADGETT. That is true. There is one authorized in this bill, but there are slips at Brooklyn, there are slips at Mare Island and at Boston, and they could use any amount of this \$17,000,000 to build any character of equipment and slips at those yards, and—

Mr. MANN. Will the gentleman yield for another question?

Mr. PADGETT. Yes.

Mr. MANN. And he could also use \$17,000,000 for purchasing outfits of vessels if it was authorized, and not expend a dollar for hulls or steam machinery of vessels. He could make a fool of himself, but is he likely to do it?

Mr. PADGETT. He could spend it for vessels heretofore or herein authorized.

Mr. MANN. The gentleman's whole argument goes against the whole paragraph.

Mr. PADGETT. No. He must spend it upon vessels heretofore authorized or herein authorized, on the hulls, and those only that have been authorized or are herein authorized could he spend it upon—on the hulls and the machinery.

But I was calling attention to it to show that you are injecting into this appropriation matter that does not belong to it, and you are taking money that is available for the hulls and the machinery and the building of ships, and you could take any amount of this \$17,000,000 and make yard improvements with it.

Mr. BUCHANAN of Illinois. Does the gentleman think the Secretary would use an unreasonable amount?

Mr. PADGETT. I do not know; but I do not believe in legislation of that character. When we define it in the bill we ought to define it as to the purposes for which it is intended.

Mr. SAUNDERS. Mr. Chairman, I do not take any issue with the gentleman from Tennessee [Mr. PADGETT] as to the contention which he raises. The amendment offered by the gentleman from Pennsylvania ought to be defeated. But if the amendment offered by the gentleman is to be adopted at all, it ought to be adopted with my amendment, which simply provides that if any portion of this \$17,000,000 is to be used on building slips, it shall be used in the three yards designated in the amendment, these being the only yards in which there are slips at present. So that if the amendment is to be adopted, it should be adopted with the amendment that limits the application to the yards where the money may be properly expended.

Mr. BRYAN. Mr. Chairman, I am opposed to the amendment proposed by the gentleman from Virginia [Mr. SAUNDERS]. If, under this bill and under the interpretation of this naval appropriation bill, it is found that a building slip has been authorized, for instance, for the Puget Sound Navy Yard, there is no reason why the Secretary of the Navy should not use so much of this money as is necessary in connection with that slip as well as the Boston slip. The Puget Sound Yard can be equipped for the building of a dreadnaught for about \$450,000 less than Mare Island. Estimates show that it will take about \$650,000 to equip Mare Island, where a floating crane at a cost of \$450,000 will have to be installed. This equipment already exists at the Puget Sound Yard. So that in fact Mare Island is away behind the Puget Sound Yard on this feature, as well as on so many others.

Under the amendment we adopted to-day it is provided that any yard that gets one of these contracts for the building of a battleship may be equipped with a building slip and building ways for the purpose of building that battleship, and so, if, on accepting estimates from the various yards, it should be found that the Puget Sound Naval Station, for instance, could construct one of these battleships in a manner satisfactory to the Secretary of the Navy and the Navy Department, a part of this \$17,000,000 could be spent for building ways for that yard. I think it is absolutely unreasonable to think that the Secretary of the Navy is going to spend it all for building slips or hulls or machinery. Of course he has that authority, and he has a certain amount of leeway in the making of these expenditures, but there is no reason, so far as I can see, why we should limit it to two or three yards; and I hope the amendment to the amendment will be voted down and that the Secretary of the Navy will have discretion and authority to spend this money wherever building slips have been authorized. I want to commend this situation to the business interests and the people generally of Seattle, Tacoma, and the Puget Sound Navy Yard cities.

There is a great deal that can be done by cooperation among the friends of the Puget Sound yard, and I hope to see a new era instituted, which will cause that yard to come into its own and be recognized for what it is worth on its merits as one of the leading naval stations in the world.

Mr. PADGETT. Mr. Chairman, I move to close debate upon the paragraph and all amendments thereto.

Mr. MANN. Mr. Chairman, the gentleman who offered the amendment has not had an opportunity to get the floor at all yet.

Mr. PADGETT. I will say 10 minutes, then. The gentleman from Pennsylvania [Mr. VARE] wants five minutes and the other gentleman from Pennsylvania [Mr. LOGUE] five.

The CHAIRMAN. The gentleman from Tennessee moves that all debate on the paragraph and pending amendments be closed in 10 minutes. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Pennsylvania [Mr. VARE] is recognized.

Mr. VARE. Mr. Chairman, I hope the amendment to the amendment offered by the gentleman from Virginia [Mr. SAUNDERS] will not prevail. Under the act of March 4, 1913, the Secretary of the Navy was authorized and directed to build certain transports. There was at that time an appropriation of \$1,850,000 for that purpose. To-day we adopted an amendment on the ruling of the Chair in connection with our battleships, to the effect that there should be \$200,000 set aside, under the direction of the Secretary of the Navy, to build shipways or slips. The authority for the building of this ship having been given in the appropriation last year, we are asking for legislation in order that the Secretary of the Navy can carry out the purpose of the Congress. The Secretary has awarded the building of it to the Philadelphia Navy Yard.

I as a Republican Member am willing to trust to the good judgment of the Secretary of the Navy as to where he should make these improvements and as to where he increases the facilities for shipbuilding purposes. And I am surprised that the gentleman from Virginia wants to deny the Secretary of the Navy the right to say which yard he shall equip and increase with additional facilities. I as a Republican Member and coming from a Republican district have sufficient confidence in the Secretary of the Navy to trust to his judgment, but I find on this floor the two gentlemen from Virginia, both Democrats, apparently lacking faith in the Secretary who represents the party to which they belong.

I hope there will not be any discrimination against the goodly city of Philadelphia. I might cite a few lines from the Philadelphia Inquirer of a few days ago, giving an account of the leaving of the marines for Vera Cruz on the ship *Morro Castle*. It said:

Ten thousand cheer as vessel departs from League Island. \* \* \* The vessel manned, provisioned, and equipped in 22 hours at the local navy yard.

The commander of that yard, Capt. Benson, said that he did not want to appear boastful, but "I think it was pretty quick work, and I doubt if any other yard on the Atlantic coast could have accomplished the supplying of the ship in such a short time."

We have a great navy yard there. It was given to the Government for the purpose of making a shipyard, for the purpose of making a proper naval station, and I appeal to this committee that there should be fair play and there should be no discrimination against the goodly city of Philadelphia. There-

fore, I hope the amendment to the amendment will not prevail. [Applause.]

The CHAIRMAN. The gentleman from Pennsylvania [Mr. LOGUE] is recognized.

Mr. LOGUE. Mr. Chairman, I trust the amendment of the gentleman from Virginia [Mr. SAUNDERS] to the amendment of the gentleman from Pennsylvania [Mr. VARE] will not prevail. It is with exceeding regret that a Member on this side of the House finds special mention made time and time again in the debate and arguments this afternoon regarding the city of Philadelphia and the navy yard of Philadelphia in connection with an expression of fear upon the part of people that there may be some development at Philadelphia. As a Member of this side of the House I wish to say that Philadelphia need offer no apologies whatever for its action toward the National Government.

It gave to the United States over 900 acres of land, worth to-day over \$10,000,000; the free gift of the city of Philadelphia to the Federal Government for the establishment of the present League Island Navy Yard; and to find here to-day references to this yard and that yard and the other yard so as to inveigh against, so as to restrict against, so as to make impossible the exercise of the judgment of the head of the Navy Department as to what he shall do, strikes me as being in the line of class work, and strikes me as being in the line of departing from the wish and expectation expressed by my good colleague [Mr. GRAHAM] to-day when he said that the spirit that ought to prevail here in this House touching legislation is a spirit animated for the country's good, and not for the benefit of any particular locality. And that is what I stand for. [Applause.]

I take it to be little short of an insult for the Secretary of the Navy, constituted head of a great department—the greatest department we have at this time in connection with our Government—to be restricted by an amendment thrown into the amendment of the gentleman from Philadelphia, coupled with it, so that it will not be possible for this work to be done at Philadelphia should he deem it best. For the purpose of this argument, I could say, I do not care whether it helps Philadelphia or advances it or not; it verges close to an insult when you try to hedge and restrict when you appropriate \$17,000,000 and say to the Secretary of the Navy exactly where he must put certain sums of money that may be necessary for shipways.

I feel that this original amendment should prevail. I feel, as has been suggested by the gentleman from Illinois [Mr. MANN], that there is not an item in that \$17,000,000 but that can be picked out and questioned as being authorized by law. It is closely and well coupled and well restricted to what has been herein or hereinbefore provided. Let us say that we exist in a time and in an hour when the Secretary of the Navy will not, especially for any particular city, go outside of the line of his duty and attempt to draw from the United States Treasury a single dollar unless in his judgment it is authorized by law.

I feel, therefore, Mr. Chairman, that this amendment to the amendment should be voted down. Let us rest satisfied, we of this side—and I say it as one humble in his position, but as a Member from the good old State of Pennsylvania and from the city of Philadelphia, that only occasionally and spasmodically sends one of our party here—let us be satisfied to rest upon the assurance that in the party, in the person of the Secretary of the Navy, we have a fair man, a just man, a discreet man, a careful man, and that not a single dollar will be drawn out of the United States Treasury by the Secretary of the Navy unless herein or hereinbefore authorized by law. The amendment to the amendment, sir, I say, should be defeated. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. All time has expired. The question is on agreeing to the amendment offered by the gentleman from Virginia [Mr. JONES] to the amendment offered by the gentleman from Pennsylvania [Mr. VARE].

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the adoption of the amendment offered by the gentleman from Pennsylvania [Mr. VARE].

The question was taken, and the Chairman announced that the "ayes" seemed to have it.

Mr. PADGETT. A division, Mr. Chairman.

The CHAIRMAN. A division is asked for.

The committee divided; and there were—ayes 64, noes 31.

Mr. JONES. I demand tellers, Mr. Chairman.

The CHAIRMAN. Tellers are demanded. [After counting.] Three gentlemen have arisen, not a sufficient number. The ayes have it, and the amendment is adopted.

Mr. CARY. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin [Mr. CARY].

The Clerk read as follows:

Insert, after line 4, page 55, after the figures "\$17,647,617":

"And the Commissioner of Corporations is hereby authorized and directed to make inquiry whether any persons, firms, or corporations furnishing armor, armament, or other materials for the Navy under the provisions of this act or any previous act of Congress have been or are engaged in any combination or conspiracy to violate the antitrust law of 1890, or to defraud the Government in the quality or price of armor, armament, or other materials, or to obtain extortionate or excessive prices for the same; and the Secretary of the Navy is authorized and directed to offer and pay rewards to any person or persons who shall first furnish evidence that shall lead to recoveries, in fines, penalties, or otherwise, for such violations of law, said rewards to be 10 per cent of the amounts recovered by the Government, and to be paid therefrom."

Mr. PADGETT. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The Chair holds that the amendment is not germane to the section under consideration, and therefore sustains the point of order. The Clerk will read.

The Clerk read as follows:

Increase of the Navy; torpedo boats: On account of submarine torpedo boats heretofore authorized, to be available until expended, \$1,685,617.

Mr. SAUNDERS. Mr. Chairman, I make a point of order against that.

The CHAIRMAN. The gentleman from Virginia [Mr. SAUNDERS] makes a point of order against the paragraph.

Mr. SAUNDERS. The language there, "to be available until expended," very clearly makes it contrary to law.

Mr. PADGETT. I will state, Mr. Chairman, that that language is usually carried in the bill. It takes three years to construct these boats. I appeal to the gentleman to withdraw his point of order.

Mr. SAUNDERS. It is bad policy to appropriate money in that way. So far as this House is concerned, and so far as the Congress is concerned, we ought to retain control over our appropriations. This is an exception to the way in which appropriations are usually made in other portions of this bill as well as in other bills.

Mr. PADGETT. Mr. Chairman, "Increase of the Navy" is a continuing appropriation, and I think it is not subject to a point of order. It is a continuing appropriation, and the Treasury has so held.

The CHAIRMAN. The Chair is inclined to the opinion that it is subject to a point of order. The point of order is sustained.

Mr. PADGETT. Then I move to amend, Mr. Chairman, by inserting, in line 5, the following:

Increase of the Navy; torpedo boats: On account of submarine torpedo boats heretofore authorized, \$1,685,617.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BAILEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

Mr. MANN. On what subject?

Mr. BAILEY. On this bill.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

The Clerk read as follows:

Increase of the Navy; equipment: Toward the completion of equipment outfit of the vessels heretofore and herein authorized, to be available until expended, \$421,000.

Mr. SAUNDERS. Mr. Chairman, I make the same point of order.

The CHAIRMAN. The gentleman from Virginia makes the point of order against the paragraph.

Mr. PADGETT. The point of order is conceded.

Mr. SAUNDERS. In order to save time, I will make it only against the words "to be available until expended." That will save the necessity of offering an amendment.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Increase of the Navy; armor and armament: Toward the armor and armament for vessels heretofore and herein authorized, to be available until expended, \$14,877,500.

Mr. SAUNDERS. Mr. Chairman, I make the same point of order against the words "to be available until expended."

The CHAIRMAN. The point of order is sustained.

Mr. TAVENNER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, by adding after the figures "\$14,877,500," line 14, page 55, the following: "Provided, That the Secretary of the Navy is hereby authorized to procure by contract armor of the best quality for any or all vessels heretofore or herein provided for, provided such contracts can be made at a price which, in his judgment, is reasonable and equitable; but in case he is unable to make contracts for armor under the above conditions, he is hereby authorized and directed to procure a site for and to erect thereon a factory for the manufacture of armor and gun forgings, and the sum of \$4,000,000 is hereby appropriated toward the erection of said factory and the purchase of a site therefor."

Mr. MANN. I make a point of order against the amendment.

Mr. TAVENNER. Will the gentleman reserve his point of order?

Mr. MANN. No; it is too late in the day. I make the point of order. We ought to finish this bill to-day, if possible. If we are going to adjourn before next August or September, we will have to finish these bills.

Mr. TAVENNER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. That motion is not in order until the point of order is disposed of.

The Chair will say to the gentleman from Illinois that the item of the bill under consideration relates only to armor and armament. Laying aside whatever other objections there may be to the gentleman's amendment, it contains a provision for the acquirement of a site for an armor-building factory.

Mr. TAVENNER. Mr. Chairman, that is almost the exact language that has already been enacted into law in a naval bill. I copied it from the naval appropriation bill of June 7, 1900.

The CHAIRMAN. The Chair was about to say, when interrupted by the gentleman from Illinois, that part of his amendment is so clearly legislation that it is subject to the point of order, and the point of order is sustained.

Mr. TAVENNER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. TAVENNER. Mr. Chairman, the amendment that I have offered is, as I have said, practically a duplicate of a provision contained in the naval appropriation bill of 1900, and the mere fact that that bill carried this provision resulted in the Government saving millions of dollars in the cost of armor plate. The Secretary of the Navy was able to say to the three firms having a monopoly of the manufacture of armor in this country that if they were not willing to sell armor to the Government at a fair and reasonable price he was authorized by law to go ahead and manufacture his own armor. Let us see whether the insertion of the amendment I have just offered proved of value in the naval bill of 1900.

Back in 1893 the Government was paying an average of \$658 a ton for armor. Some time later Senator TILLMAN, of South Carolina, started in to fight the high price and to oppose the armor ring, and he forced the Armor Trust gradually to reduce its price, until in 1900 he got the price down to \$413 a ton.

Then the naval appropriation bill of 1900 was amended to carry the provision I have just submitted, which provided that if the Secretary of the Navy were unable to obtain a square deal from the Armor Trust he was authorized and directed to build a Government armor plant.

What was the result? The three concerns manufacturing armor, rather than have Uncle Sam build a plant, gradually reduced their prices from \$413 in 1900 to \$345 in 1906, which meant a saving of millions of dollars to the Government. Such was the result of the insertion in the naval bill of 1900 of the provision that I have just presented. Without spending a dollar for a plant or doing anything further than simply providing that the Secretary of the Navy was authorized to build a plant if he could not obtain fair treatment from the trust, the Government saved millions.

But when Congress failed to continue the provision in the naval bill it gradually lost its moral effect upon the armor ring, and the price of armor plate to the Government was steadily advanced from \$345 a ton in 1906 to \$454 a ton at the present time.

If this Congress will replace this amendment in the naval bill, I predict it will save every penny of \$1,000,000 a year, even if the Government never further considers the advisability of a Government plant.

If the Government builds an armor plant and a padlock is placed on its doors as soon as it is completed, and it is never used, it will, in the opinion of Secretary of the Navy Josephus Daniels, pay for itself simply by enabling the Secretary to obtain a square deal from the armor manufacturers.

This bill carries an appropriation of \$14,877,500 for armor and armament alone. If the Government had its own armor

and gun-forging plant I believe I am well within the bounds of conservatism when I say that 30 per cent of this sum, or, in round numbers, \$4,000,000, could be saved to the taxpayers. Is \$4,000,000 a year on armor and armament alone worth the saving? I, for one, believe it is.

The chairman of the Committee on Naval Affairs has admonished us to confine ourselves to facts.

The fact is the Secretary of the Navy, Hon. Josephus Daniels, in his annual report to Congress recommended an "appropriation" for a Government armor plant, and the committee provided only for an "investigation," which is wholly unnecessary, because there have been ample investigations in the past, each of which demonstrated the wisdom of a Government armor plant.

In his last annual report the Secretary of the Navy asked for an "appropriation" in the following words:

#### IMPORTANCE OF ARMOR-PLATE FACTORY.

I desire to recommend the passage at the earliest moment of a sufficient appropriation to begin the construction of a Government armor plant to relieve a situation which, in my estimation, is intolerable and at total variance with the principle of economy in spending Government money. It is evident that without an armor plant of its own the Government in time of war or impending war would be entirely at the mercy of these three manufacturers and obliged to pay practically whatever price they asked. History does not warrant an assumption that the patriotism of these companies would prove superior to their desire for profits, inasmuch as during the time that war with Spain was imminent these companies refused to accept the price fixed by Congress after investigation as a just rate, and declined to manufacture any armor until they got their own price of \$100 a ton more than that which Congress had determined on. In this connection it is well to note that the love of country possessed by these companies did not prevent them from furnishing armor to Russia, as reported to Congress, in 1894 at \$249 a ton, while they were charging the United States \$616.14 a ton.

I do not see how it is possible for Congress to justify to the people a refusal to erect a Government plant, nor how it can answer the charge that will invariably be brought up—that the same mysterious Providence which saved this profitable business to the steel companies three times in the past, even after money for a Government plant had actually been appropriated, is not still at work exercising its beneficent protection over these lusty specimens of infant industries, who are even now under Government investigation as violators of the antitrust law.

I would favor enthusiastically the provision in the pending bill providing for an investigation of the cost of armor and a site for an armor factory but for the fact that numerous and adequate and very thorough investigations have been made in the past, and this provision for an unnecessary additional investigation impresses me as being merely an excuse to avoid making an appropriation in this Congress for an armor plant, as recommended by the Secretary of the Navy.

I hold in my hand a 464-page report of an investigation made in 1896-7, which shows that armor can be manufactured for \$300 per ton, and in this estimate a profit of 33½ per cent was included for the manufacturers.

I also hold in my hand another very thorough report prepared by a board of naval experts in 1906 in response to the provision requiring an investigation of the cost of armor contained in the naval bill of 1905, which, by the way, in my opinion, was inserted to sidetrack an appropriation for an armor plant in that bill. This report found that armor plate could be manufactured by the Government for \$230.36 per ton.

Nor were these all the investigations. The hearings of the Naval Affairs Committee on the pending bill, as any Member can ascertain for himself by sending for a copy of the hearings, contain a most exhaustive report as to the cost of armor, compiled by the Bureau of Ordnance of the Navy Department within the last six months, which estimates that the Government can manufacture armor in a plant of 20,000 tons capacity at a cost of \$279 per ton.

The average of nine estimates made by various investigating committees of the Senate and Navy Department and of individual officers and experts of the Navy is that armor can be manufactured in a Government plant at a cost of \$247.17 per ton.

Yet we are now paying the armor ring \$454 per ton. In all, we have purchased 192,995 tons of armor from the armor ring at an average price of \$441.42. I believe that it is a very conservative statement to say that of the \$85,193,248 that we have paid the armor ring for this armor, at least \$30,000,000 could have been saved to the taxpayers had this armor been manufactured by the Government itself.

I submit, therefore, it is time for Congress to stop dodging and to give the House an opportunity to vote on the proposition of an armor plant upon its merits. I feel confident a majority of the Members of this House are in favor of a Government armor-plate factory, but we can not get a vote on it. I believe there was a time when the armor ring dominated the House, but I do not believe it to-day dominates the membership of the Republican Party or of the Democratic Party, and it goes without saying that it does not dominate the members of the Progressive

Party. [Applause.] And yet, because there are a few men in this House who want the armor ring to remain in business we can not get a vote on it. I have done everything I could, and if I was not of an optimistic temperament I would be tempted to conclude that, regardless of what party is in power, the armor ring is going to stay in the saddle and that it is impossible to get it out. [Applause.]

I have prepared for extension in the Record a detailed account of the various investigations of the cost of armor.

Mr. DIES. Mr. Chairman, at the risk of trying the patience of the committee, I want to say a word about this attempted amendment for the Government to go into the armor-plate business. So far as I am concerned I am not controlled by any armor-plate trust, and yet I am not in favor of the Government going into the business of manufacturing armor plate.

Mr. TAVENNER. Will the gentleman yield?

Mr. DIES. Not in the five minutes; it is impossible. The other day one of these Progressives whom my friend has extolled so eloquently introduced a bill for the Government to own the mines of the country.

Mr. BRYAN. Has the gentleman any letters from his district about it?

Mr. DIES. Mr. Chairman, I hope the gentleman from Washington will address the Chair. The gentleman, as I say, introduced some sort of a resolution for the Government to go into the mining business throughout the country. I am not in control of the mine owners or the miners, and yet I would not vote for his proposition. Not long ago a gentleman proposed that the Government should go into the oil business and produce oil. I am not in control of the oil interests of the country, but it does not follow that I want the Government to become an oil producer.

Not long ago a Member introduced a bill to provide that the Government should own the radium mines. The radium people do not control me, and still I had the temerity to oppose Government ownership of radium mines.

There are gentlemen in this House who are in favor of the Government owning everything from railroads to hen's nests, and they imagine that all Democrats opposed to socialism, opposed to Government ownership in all the activities of the country are controlled by some special interest.

Why, I understand from what I consider is good authority, that the Navy requires a good deal of beef. Presently some modern statesman will rise and propose that the Government buy out the beef-packing business and go into the business of making pork sausage and canning liver. Why not? There is a Beef Trust, there is a Navy. The Navy requires beef, and without beef the armor plate would be practically useless.

Moreover, I am told that the sailors and jackies on these magnificent vessels require boots and shoes, and hats and caps and shirts. Why not let these Moseses of Democracy, who seek to lead the country into the camp of paternalism and socialism, propose that the Government should take over the boot factories and the shoe factories and the hat factories and the shirt factories. Some of these admirals wear glasses on their noses. It is a pity that they should be required to buy them of the Spectacle Trust. Why should not the Government go into the business of making spectacles?

I understand that on these battleships they use sweet potatoes and bacon, and they use corn meal, and it is said that in some sections of the country prices are too high. I have no doubt that the Government could raise corn cheaper than the farmers of Illinois. I have no doubt the Government, with its superior capital and organization, could make shirts cheaper than they make them at Lowell. Why should we not let the Government take over all business, raise the bacon, raise the corn, grind the coffee, make the shirts—do it all? Why leave anything to the individual in this country, if these modern Moseses of political economy are to be believed, and we are to lay aside the old democracy and the old republicanism based on the Constitution and representative democracy?

Mr. Chairman, this is all I wanted to say. I have secured an hour in the general debate on the pension bill, which will be called up in the morning, in which I shall enlarge somewhat on these socialistic tendencies, upon some of the false doctrines being taught to this country of the rights of labor and the rights of capital, and this miserable propaganda of paternalism and socialism that comes with the Dead Sea fruit of anarchy in its wake, offering itself to the stalwart democracy of this country as a substitute for our Constitution and representative democracy under the Constitution. [Applause.]

Mr. BROWNING rose.

Mr. PADGETT. Mr. Chairman, will the gentleman yield for a moment?

Mr. BROWNING. Yes.

Mr. PADGETT. Mr. Chairman, I move to close debate on the paragraph and all amendments thereto in—does the gentleman from Illinois [Mr. FOWLER] desire time?

Mr. FOWLER. Mr. Chairman, I desire to offer an amendment.

Mr. PADGETT. Will the gentleman accept five minutes?

Mr. FOWLER. I do not have to accept anything, because my amendment has not been offered. I would like to have 10 minutes.

Mr. PADGETT. Mr. Chairman, I move to close debate on the paragraph and all amendments thereto in 10 minutes.

Mr. FOWLER. Mr. Chairman, I raise the point of order against the motion because there is a motion already before the committee.

The CHAIRMAN. The motion is not debatable. The question is on the motion made by the gentleman from Tennessee.

Mr. FOWLER. But I raise the point of order against the motion.

The CHAIRMAN. The point of order is overruled.

Mr. FOWLER. But there is a motion before the committee, and under the rules we are entitled to debate.

Mr. PADGETT. We have already debated the paragraph. [Cries of "Vote!"]

The CHAIRMAN. The gentleman from Texas [Mr. DIES] just debated the question.

Mr. MANN. Mr. Chairman, a parliamentary inquiry. What is the paragraph before the committee?

The CHAIRMAN. Lines 11 to 14, page 55.

Mr. MANN. Mr. Chairman, my colleague from Illinois [Mr. TAVENNER] has already debated that.

Mr. FOWLER. But I have not debated it.

Mr. MANN. But the gentleman is not the only colleague I have from Illinois.

Mr. FOWLER. I have asked for recognition three different times to offer an amendment.

Mr. PADGETT. The gentleman can offer his amendment later. Mr. Chairman, I call for a vote.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee to close debate on the paragraph and all amendments thereto in 10 minutes.

The motion was agreed to.

Mr. BROWNING. Mr. Chairman, one of the reasons given on the floor of the House why battleships should be constructed in Government navy yards is that the navy yards build better ships than the private yards build. I have some figures in my hand, compiled by Admiral Watt, as to the cost of repairs upon sister ships since they were commissioned down to March 1, 1914.

The battleship *Connecticut* was commissioned in 1906. It was constructed in the New York Navy Yard. The repairs on that ship have amounted to \$917,610.06. The *Louisiana*, her sister ship, was constructed at the Newport News yard, under contract, and the cost of repairs on that ship has been \$885,915.75.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. BROWNING. Yes.

Mr. FITZGERALD. How much of the \$917,610.06 expended for repairs on the *Connecticut* went to repair the hole in the *Connecticut* which was caused by her bumping on a rock?

Mr. BROWNING. I do not know. I am citing the actual repairs on the ship *Connecticut*.

Mr. FITZGERALD. How much of that was occasioned by the fact that the *Connecticut* ran on a rock?

Mr. BROWNING. I decline to yield further to the gentleman, as I have only five minutes.

Mr. FITZGERALD. I thought the gentleman wanted information.

Mr. BROWNING. I am giving information which I received from Admiral Watt.

The battleship *Florida* was commissioned in 1911. She was constructed in the New York Navy Yard. There has been expended for repairs on this ship \$151,175.68. The battleship *Utah*, her sister ship, was constructed at the Camden, N. J., shipbuilding yard under contract, and the repairs on her have amounted to \$95,363.03.

Mr. Chairman, it does not seem to me that there is much economy in building battleships in Government navy yards.

The gentleman from Illinois [Mr. BUCHANAN], in his remarks this afternoon, stated that the reason why our ships should be built in navy yards is because of better wages and shorter hours. I want to say to the gentleman that the New York Shipbuilding Co. have a wage scale equal to that of any establishment in the country, and the hours of labor there are eight hours a day, which has been the case for some years, not only on Government work, but on all work in the yard.

Mr. Chairman, I very much deplore the desire on the part of some Members of the House to build all our ships in Government yards. I believe such a course would be unwise from a business standpoint and unfair to those whose capital is invested in the shipbuilding industry of the country and a great hardship to the many thousands of men who depend on the industry for a livelihood if private concerns are driven out of business because of failure to receive Government contracts. Only a small percentage of these men could hope to find employment in the navy yards, as it has been stated many times during this debate that the object of those who favor Government construction is to keep the present employees of the yards busy.

Mr. FOWLER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 55, at the end of line 14, by striking out the period and inserting a colon, and by adding the following:

"Provided, That no more than \$14,500,000 shall be used for the procuring of armor or armament until after the Secretary of the Navy, through the Commissioner of Corporations, in public hearings shall have made an investigation to determine whether any persons, firms, or corporations are in a combination or conspiracy to defraud the Government of the United States in the price and quality of armor, armament, and other materials."

Mr. PADGETT. Mr. Chairman, I reserve the point of order against the amendment.

Mr. FOWLER. Mr. Chairman, if the amendment is subject to the point of order, I would be very glad to have the point made now, because I do not think it is.

Mr. PADGETT. Well, I will make the point of order, Mr. Chairman, and let the Chair rule on it.

Mr. FOWLER. Mr. Chairman, it is an absolute limitation upon the expenditure—

Mr. MANN. Mr. Chairman, I would like to be heard for a moment on the point of order.

Mr. FOWLER. I desire to say to the Chair that the gentleman from Illinois [Mr. MANN] was in the chair in 1910, and the gentleman from Wisconsin [Mr. STAFFORD] made a point of order against an amendment that the gentleman from Alabama [Mr. HOBSON] had offered to the naval appropriation bill. I presume that the Chair a few days ago—

The CHAIRMAN. What volume has the gentleman?

Mr. FOWLER. I read from series 45, Volume IV, page 4295, CONGRESSIONAL RECORD of 1910. An amendment was offered by Mr. HOBSON, as follows:

Provided, That no part of this appropriation shall be expended in experiments unless, in the development of armor-piercing projectiles and high explosives, an attack on heavy turret armor and heavy belt armor is made by armor-piercing projectiles at a battle range not less than 8,000 yards and by explosive gelatin in quantity not less than 200 pounds, exploded against the heavy belt armor and heavy turret armor of an actual vessel.

That was an amendment offered to an appropriation which provided simply for experiments. The amount provided for in the paragraph was not a very large sum, but a limitation was placed on its expenditure by the amendment which I have just read. The gentleman from Illinois [Mr. MANN] was in the chair at the time when the point of order was raised, and in passing upon the question—

Mr. MANN. If the gentleman is through—

The CHAIRMAN. The gentleman has not yielded the floor yet.

Mr. FOWLER. The Chairman at that time used the following language:

It is perfectly within the power of the House, under the rule, to adopt an amendment that is a limitation upon the appropriation, and it seems to the Chair that this is a mere limitation upon the appropriation. It is true that the department has authority to make any experiment it pleases, but the amendment may provide that the money of this appropriation shall be withheld from experiments in developing the armor-piercing projectiles which do not meet the specified conditions as to range and amount of explosive. The Chair therefore overrules the point of order.

Mr. Chairman, the paragraph here provides for \$14,877,500. The amendment provides that no more than \$14,500,000 of said appropriation shall be used to procure armor or armament until after the Secretary of the Navy, through the Commissioner of Corporations, in public hearings, shall have made an investigation to determine whether any persons, firms, or corporations are in combination or conspiracy to defraud the Government of the United States in the price or quality of the armor, armament, or other materials. The amendment undoubtedly, Mr. Chairman, is a limitation upon the expenditure only. It seeks only one thing, and that is that a certain portion of the money appropriated shall not be expended until it is determined as to whether there is an armor trust and acting in a way to defraud the American people either as to the quality or the price of the armor. Now, Mr. Chairman, that being a limitation upon the expenditure and dealing with the same subject matter as is

dealt with in this paragraph, I can not understand but what it is perfectly germane in every sense of the word, because the only rule that applies to it is Rule XXI, and that rule provides that a limitation may be placed upon the expenditure in three different ways. If the amendment seeks a retrenchment on expenditures as to the number of officers of the United States or the salaries paid to them or the amount carried by the paragraph, then the amendment is not subject to a point of order. I think, Mr. Chairman, the amendment which was offered by me a few days ago, and against which the Chair overruled a point of order, with the gentleman from Illinois [Mr. MANN] at that time claiming that the point of order would lie against the amendment, is just like that amendment in effect. Its force and effect are just the same in this instance as in the other instance and as was urged by the amendment offered by Mr. HOBSON to the naval bill in 1910. And for these reasons, Mr. Chairman, I think the amendment is not subject to a point of order.

Mr. MANN. Mr. Chairman, I think the ruling my distinguished colleague has cited was a very good ruling. Considering the author, I do not see how it could otherwise have been [applause]; but there was a question where there was a requirement that the Navy Department should do something which it had the power to do, and the limitation was that unless the Navy Department did that, then the appropriation should not be available; but here is a purported limitation limiting the expenditure of money unless the Navy Department does something which it does not have the power to do unless this is legislation, because the Secretary of the Navy has no more jurisdiction over the Commissioner of Corporations than my colleague, the gentleman from Illinois.

The Commissioner of Corporations is the chief of the bureau in the Department of Commerce and is not subject to the directions or instructions of the Secretary of the Navy. Now, if the Secretary should construe that he could not expend the money, that might be very well; but the Secretary would have to take, and the Commissioner of Corporations would have to take, this special legislative enactment giving to the Secretary of the Navy authority to require the Commissioner of Corporations to make an investigation, and it would have to be considered as legislation, because the departments would not suppose we were inserting a limitation which meant nothing at all, and hence they would assume it was legislation and be right about it. And we would be conferring an authority which is not now given to the Secretary of the Navy and fixing a requirement on the Commissioner of Corporations which does not now exist.

The CHAIRMAN. The Chair is of the opinion that there is legislative direction in the amendment offered by the gentleman from Illinois [Mr. FOWLER], and therefore sustains the point of order.

Mr. FOWLER. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] moves to strike out the paragraph. The question is on the motion—

Mr. FOWLER. I desire to be heard.

Mr. PADGETT. There is no debate on the paragraph.

Mr. MANN. My colleague has five minutes which he did not use.

Mr. PADGETT. That is right. He did not use his five minutes.

Mr. BROWNING. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FOWLER. Mr. Chairman, first, the trust furnishes the Government armor not up to the specifications; second, false reports of the treatment of the plates are made to the Government inspectors; third, deliberate suppression of facts as to most important tests of armor and shells at Government proving grounds; fourth, the Armor Trust by its monopoly exacts from the Government extortionate prices for armor of more than \$200 per ton above what the armor is worth; fifth, the Armor Trust defrauds the Government of several million dollars annually by fraudulently furnishing inferior armor not made according to contract specifications.

VIOLATION OF ARMOR CONTRACTS.

[H. Rept. No. 1468, 53d Cong., 2d sess.]

Hon. Amos Cummings, of New York, chairman of the Committee on Naval Affairs, submitted the following report August 23, 1894, of its investigations since the House, on May 22, 1894, adopted the resolution ordering an investigation of the Carnegie Co.'s furnishing of inferior or damaged armor, etc., to the Government, "and the amount of compensation which should be paid to the Government in settlement for such damaged or inferior armor," etc. The report says:

"The committee has taken a large mass of testimony. It has visited the works of the Carnegie Co. and has carefully analyzed the testimony taken. The alleged frauds as elicited by the testimony are specific. They are as follows.

## THE CHARGES AGAINST THE COMPANY.

"First. The plates did not receive the uniform treatment required by the specifications of the contracts. In many cases the treatment was irregular, and in other cases it was practically inefficient. The specifications of the contract of February 28, 1893, required that each plate should be annealed, oil tempered, and again annealed, the last process being an annealing one.

"Second. False reports of the treatment of the plates were systematically made to the Government inspectors. This was in violation of paragraph 95 of the circular concerning armor-plate appurtenances, dated January 16, 1893, which was made a part of the contract. Paragraph 95 says:

"The contractor shall state for each article, in writing, the exact treatment it has received."

"The specifications of the contract of November 20, 1890, paragraph 164, say:

"A written statement of work and contractor's tests, to be commenced and in progress each day, must be furnished to the chief inspector."

"Third. No bolts received the double treatment provided for in the specifications of either contract. A report of a double treatment, however, was made to the Government inspectors.

"Fourth. Specimens taken from the plates both before and after treatment, to ascertain the tensile strength of each plate, were stretched without the knowledge of the Government inspectors, so as to increase their apparent tensile strength when actually tested.

"Fifth. False specimens taken from other plates were substituted for the specimens selected by the Government inspectors.

"Sixth. The testing machine was repeatedly manipulated, by order of the superintendent of the armor-plate mill, so as to increase the apparent tensile strength of the specimens. These specimens were juggled in measurement, so as to increase their apparent ductility.

"Seventh. Various specimens selected by Government inspectors were re-treated without their knowledge before they were submitted to test.

"Eighth. Plates selected by the Government inspectors for ballistic test were re-treated, with the intention of improving their ballistic resistance, without the knowledge of the Government inspectors. In one case, at least, the conclusion is almost irresistible that the bottom of another plate was substituted for the top half of plate A 619 after it had been selected by the Government and while awaiting shipment to Indianhead. Upon this ballistic test a group of plates containing 348 tons, valued at about \$180,000, were to be accepted or rejected. In three cases, at least, the plates selected by the Government inspectors were re-treated in this manner without their knowledge. These ballistic groups represented 779 tons of armor, valued at over \$410,000. The groups represented by these three plates had all been submitted for premium of \$30 per ton if they passed a more severe test than required for acceptance.

"Ninth. In violation of the specifications of the contract, pipes or shrinking cavities, erroneously called blowholes, in the plates were plugged by the contractors and the defects concealed from the Government inspectors. These cavities in some cases diminished the resistance and value of the plate.

"Tenth. The inspector's stamp was either duplicated or stolen, and used without the knowledge of the Government inspectors.

"Eleventh. The Government inspector in inspecting bolts was deceived by means of false templates or gauges."

On page 647, C. M. Schwab, superintendent of the Carnegie Works, testified: "I have knowledge of this fact, that they did not make any plates that did not have blowholes."

Mr. Corey testified, page 560: "The inspectors rejected the plates, and then we would turn them over to the Bureau of Ordnance, who would accept them."

The finding of the Navy Board, consisting of W. T. Sampson, Chief of the Bureau of Ordnance; Philip R. Alger, professor, United States Navy; and A. A. Ackerman, lieutenant, United States Navy, was: "We therefore conclude that the Government has been damaged by the Carnegie Co. to the extent of (p. 23)—

"(1) All premiums paid to this company, because wrongfully obtained.

"(2) Fifteen per cent of the value of all armor furnished by them.

"(3) The value of all plates containing serious blowholes, or other defects which have been concealed.

"This company was paid \$7,982.79 in premiums and \$1,846,445.16 for armor."

Report of the House Committee on Naval Affairs, page 16, says: "Criminality."

"If the criminality of the wrongful act is to be measured by the deliberation with which it is committed, the magnitude of the evil likely to result from its perpetration and the want of provocation with which it is done, the frauds which your committee have found are worthy to be called crimes."

Opinion of Attorney General Olney that an agreement on the part of the Secretary of the Navy to pay rewards of 25 per cent of the amounts recovered by the Government to the witnesses furnishing evidence is valid (p. 16).

The witnesses (informants) were paid a reward of \$35,000, or 25 per cent of the \$140,000 penalty recovered by the Government from the Carnegie Co. (Pp. 18-38, H. Doc. 160, 53d Cong., 2d sess.)

The Secretary of the Navy estimates damage to the Government by the Carnegie Co. between \$300,000 and \$400,000 (p. 18). I estimate total damage, according to the report of the Navy Board, to be:

Premiums	\$7, 682. 79
15 per cent of armor furnished	276, 966. 75
Value of damaged plates (p. 18)	316, 640. 00

601, 289. 54

The former investigation of the armor frauds was voted by the House of Representatives on May 22, 1894, and finished and its report made to this House on August 23, 1894, finding the Carnegie Co. guilty of gross and criminal frauds on the Government on its armor contracts.

Now, if we turn to the table of armor contracts, page 839 of the Navy Yearbook, we find that previous to this investigation the Armor Trust, then composed of the Carnegie and the Bethlehem Cos., was charging the Government from \$574 to \$671 per ton for armor, and that immediately after the report of the investigating committee of this House the Government was able to contract for the great bulk of the armor for \$411 per ton, an average of about \$200 per ton less than we were paying before the investigation.

We find, then, the interesting fact that this saving to the Government on armor contracts, as a direct result of the investigation by a committee of this House, from 1894 to the present time, amounts in round figures to considerably over \$30,000,000. A decidedly profitable

investigation that; and since in recent years the Armor Trust has begun pushing up the price of armor on the Government, it is reasonable to suppose that another investigation might prove equally profitable to the Government. In fact, it is, I understand, asserted by competent experts that better armor than we are now buying for \$440 per ton could be got for \$240 per ton if another investigation is ordered by Congress, a saving of \$200 per ton and a reduction of over \$3,200,000 on the cost of two ships provided for in this bill alone.

Mr. Chairman, Secretary Daniels in the hearings before the Committee on Naval Affairs, in 1914, used the following language:

Though you can not establish it in black and white, there is no doubt of an Armor Plate Trust all over the world.

Secretary Daniels in speaking of his effort to secure competitive bids for certain material for the construction of the dreadnaught *Pennsylvania* found that the bids were absolutely identical, as he testified before the committee. He wound up on that subject with the following language:

In other words, they held us up.

Mr. Chairman, who was it that Secretary Daniels referred to when he said that "they held us up"? Who was it that they held up? This evidence reveals that it was the Armor Trust that had held up the American people in their efforts to secure competitive bids for furnishing armor and other materials for our Navy. Who is it that holds people up? Is it the man whose heart is bent on good or is it the man who has sold his soul to the devil? Who is it that holds up the passengers on the train? Who is it that goes into the house of the honest man at night and holds up the landlord? Who is it that stands in the dark corners on the streets in the dead of night and holds up the pedestrian?

It is the man who has sold his soul to Satan. And we can not excuse ourselves by hurrying over these trust paragraphs as is undertaken to be done by the chairman of this committee and allow such "holdups" to continue. If we are to have relief from the Armor Trust, I am persuaded that we will be compelled to look elsewhere than at the hands of the chairman of this committee. When we examine the paragraphs carrying these trust provisions, and find him actively trying to skip over them without giving an opportunity to discuss them, we are compelled to conclude that relief under his leadership is impossible. You can not cover up the crimes committed by this trust against the American people by saying that it is late and we want to pass this bill to-night. You can not evade the duty which we owe to the American people by saying we want to pass this bill and adjourn before next August. We can not cover up the solemn duty that we took upon our souls under oath when we became Members of this great body by haste and indifference, thereby allowing the slimy fingers of corporate greed to take hold of our work and deprive the American people of the legislation which we took upon ourselves to enact when we became Members of this body.

We can not, under the guise of rushing this bill through, exonerate ourselves before the people of this country when it is proven that Secretary Herbert and Secretary Daniels have both said in solemn form that there is a world-wide Armor Trust; that the three and the only armor-manufacturing plants in this country are in a combination in restraint of trade, in a combination to defraud the American people in the price and quality of the material furnished by them for our Navy. It is criminal, it is outrageous, for us to allow it to go on, and if we do not take the proper steps to check and prevent it we can not go back to the people, to our constituents, and tell them that we have done our whole duty. [Applause.]

The CHAIRMAN. The question is on the adoption of the amendment of the gentleman from Illinois [Mr. FOWLER] to strike out the paragraph.

Mr. FOWLER. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the amendment offered by the gentleman to strike out the paragraph is withdrawn. [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

The Secretary of the Navy is hereby authorized and directed to investigate and report at the next regular session of Congress upon the selection of a suitable site for the erection of an armor plant to enable the United States to manufacture its own armor plate and special-treatment steel capable of standing all ballistic and other necessary tests required for use in vessels of the Navy at the lowest possible cost to the Government, taking into consideration all of the elements necessary for the economical and successful operation of such a plant, such as the availability of labor, material, and fuel, and transportation facilities to and from said plant. Said report shall contain the cost of a site sufficient to accommodate a plant having an annual output capacity of 20,000 tons and a site for an output of 10,000 tons, and also an itemized statement of the cost of the necessary buildings, machinery, and accessories for each, and the annual cost and maintenance of each, and the estimated cost of the finished product.

Mr. MANN. Mr. Chairman, I make a point of order on the paragraph.

Mr. SHARP. Will the gentleman withhold his point of order?  
Mr. PADGETT. I ask for a ruling, Mr. Chairman. The paragraph is subject to a point of order. I call for the regular order.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] makes a point of order, and the gentleman from Tennessee [Mr. PADGETT] asks for the regular order.

Mr. SHARP. Will the gentleman reserve it for a moment?

Mr. MANN. For what purpose?

Mr. SHARP. I want to speak upon it.

Mr. MANN. Oh, the gentleman will have an opportunity to speak to-morrow in general debate probably. What is the use in speaking on it when the chairman of the committee has conceded that it is subject to a point of order? This bill is a week later than it ought to be, anyway.

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. PADGETT. I concede it is subject to a point of order.

Mr. MANN. I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. FOWLER. Mr. Chairman, I hope the gentleman will not make a point of order on the paragraph. [Cries of "Vote!" "Vote!"]

Mr. MANN. I will. I am afraid the gentleman from Illinois [Mr. FOWLER] will detain us for another five-minute speech, and I am tired hearing from him.

Mr. FOWLER. It is the only paragraph, Mr. Chairman, that offers relief in this bill. I protest against a man taking it out on a point of order. [Cries of "Vote!" "Vote!"]

Mr. MANN. We are tired of hearing so much hot air. [Laughter.]

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

Total increase of the Navy heretofore and herein authorized, to be available until expended, \$36,456,734.

Mr. SAUNDERS. I make a point of order against that paragraph, Mr. Chairman.

Mr. ROBERTS of Massachusetts. It is too late.

Mr. SAUNDERS. No; it is not too late. I can not outrun the Clerk in reading.

Mr. PADGETT. The gentleman makes the point of order against the language, "to be available until expended"?

Mr. SAUNDERS. Yes.

Mr. PADGETT. I concede that the point of order is well taken.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Of each of the sums appropriated by this act, except such amounts as may be required to meet obligations authorized in previous acts and for which contracts have been made, no part shall be used to procure through purchase or contract any vessels, armament, articles, or materials which the navy yards, gun factories, or other industrial plants operated by the Navy Department are equipped to supply, unless such Government plants are operated approximately at their full capacity for not less than one regular shift each working day, except when contract costs are less than costs in said Government plants, and except when said Government plants are unable to complete the work within the time required, and except in cases of emergency.

Mr. BROWNING. Mr. Chairman, I make a point of order against the paragraph.

Mr. MANN. I do not think it is subject to a point of order.

The CHAIRMAN. The gentleman from New Jersey [Mr. BROWNING] makes a point of order on the paragraph. The Chair overrules the point of order. It is merely a limitation. The Clerk will read.

The Clerk read as follows:

That no part of any sum herein appropriated shall be expended for the purchase of structural steel, ship plates, armor, armament, or machinery from any persons, firms, or corporations who have combined or conspired to monopolize the interstate or foreign commerce or trade of the United States, or the commerce or trade between the States and any Territory or the District of Columbia, in any of the articles aforesaid, and no purchase of structural steel, ship plates, or machinery shall be made at a price in excess of a reasonable profit above the actual cost of manufacture. But this limitation shall in no case apply to any existing contract.

Mr. FOWLER. Mr. Chairman, I offer the following amendment: On page 57, line 5, after the word "plates", insert the words "armor, armament," so that the paragraph will read:

Ship plates, armor, armament, or machinery.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The Clerk read as follows:

Amend, page 57, line 5, by inserting after the word "plates" the words "armor, armament."

Mr. PADGETT. Mr. Chairman, I want to call the attention of the gentleman to the language at the beginning of the para-

graph on page 56. If he will look there he will see that that is already in the paragraph—

That no part of any sum herein appropriated shall be expended for the purchase of structural steel, ship plates, armor, armament, or machinery from any persons, firms, or corporations who have combined or conspired to monopolize the interstate or foreign commerce or trade of the United States.

That is simply inserting what is already in the law.

Mr. FOWLER. Why do not you accept it, then, if it does not do any harm? [Cries of "Vote!" "Vote!"] Mr. Chairman, I desire to be heard on the amendment. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] is recognized.

Mr. FOWLER. Mr. Chairman, there is a provision in the first part of this paragraph to the effect that "no part of any sum herein appropriated shall be expended for the purchase of structural steel, ship plates, armor, armament, or machinery from any persons, firms, or corporations who have combined or conspired," and so forth. But the other part of the paragraph—and I shall read all of it—is:

Corporations who have combined or conspired to monopolize the interstate or foreign commerce or trade of the United States, or the commerce or trade between the States and any Territory or the District of Columbia, in any of the articles aforesaid, and no purchase of structural steel, ship plates, or machinery shall be made at a price in excess of a reasonable profit above the actual cost of manufacture. But this limitation shall in no case apply to any existing contract.

The two ideas are not alike at all. In effect the provision in the bill gives an opportunity to buy armor and armament at a price with unreasonable profits. [Cries of "Vote!" "Vote!"] And that is the reason I want this amendment placed in this paragraph. [Cries of "Vote!" "Vote!"] Now, gentlemen, we should not slip over this paragraph by yelling "Vote," and at the same time give a benefit to this trust that has already been shown to be a slimy, most obnoxious, and most villainous combination for the purpose of robbing the people of the United States, giving them an opportunity to sell their product, the most costly to the United States, at an unreasonable profit. We can not discharge our whole duty by treating this question lightly and refusing to consider this amendment. [Cries of "Vote!" "Vote!"]

Now, Mr. Chairman, I desire to say to the gentlemen who are yelling "Vote!" over this House, that I presume when Gabriel shall set one foot on the land and the other on the sea and summon mankind to final judgment, and when the great angel shall roll back the door of heaven like a mighty scroll, some fellow away down on earth who was once a Member of the Congress of the United States will not yell to the Eternal Judge "Vote!" but "Don't vote!" He will be afraid of the vote. [Laughter.] I want you gentlemen to understand that I am not here to kill time. Were it not for the responsibility which I feel hanging over me and hanging over every Member of this body I would not have opened my mouth, because to me personally it will not amount to anything. I am able to earn enough of this world's goods to keep me and my family as long as I expect to live, but I am working now for my constituency and for my country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. Mr. Chairman—

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that my colleague be given five minutes more.

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. PADGETT. In order that we may finish this bill before the Angel Gabriel stands one foot on the land and one foot on the sea and blows his horn, I move to close debate on this paragraph and all amendments thereto now.

Mr. GREGG. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Texas rise?

Mr. GREGG. I rose for the purpose of being recognized.

The CHAIRMAN. The Chair has recognized the gentleman from Tennessee, and he has moved to close debate. The question is on the motion made by the gentleman from Tennessee [Mr. PADGETT].

The motion was agreed to.

Mr. GREGG. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois [Mr. FOWLER]. The Chair will ask the gentleman from Texas [Mr. GREGG] for what purpose he now rises?

Mr. GREGG. I move to strike out the last word, if it is in order.

The CHAIRMAN. That is not in order. Debate is closed.

Mr. GREGG. I withdraw the pro forma amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The question being taken, the Chairman announced that the yeas appeared to have it.

Mr. FOWLER. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 50, yeas 66.

Accordingly the amendment was rejected.

The Clerk read as follows:

That no part of any sum herein appropriated under "Increase of the Navy" shall be used for the payment of any clerical, drafting, inspection, or messenger service, or for the pay of any of the other classified force under the various bureaus of the Navy Department, Washington, D. C.

Mr. GREGG. Mr. Chairman, I move to strike out the last word. The amendment that was proposed a few moments ago by the gentleman from Illinois [Mr. FOWLER] was not given proper consideration, and I am inclined to believe that a majority of this House voted under a misapprehension, growing out of the statement made by the chairman of the committee [Mr. PADGETT] that the substance of the amendment of the gentleman from Illinois [Mr. FOWLER] was already incorporated in the bill. Such is not true. Now, I want to call your attention for just a moment. The section which the gentleman sought to amend has two provisions, the first of which is:

That no part of any sum herein appropriated shall be expended for the purchase of structural steel, ship plates, armor, armament, or machinery from any persons, firms, or corporations who have combined or conspired to monopolize the interstate or foreign commerce or trade of the United States.

Or, in other words, from a trust.

It provides that armor and armament and the other items, structural steel, ship plates, and machinery, shall not be purchased from a trust. There is another provision of this section—and here is where the gentleman from Illinois [Mr. FOWLER] offered his amendment, which ought to have been adopted, and doubtless would have been but for the fact that the gentleman has consumed so much of the time to-day that due consideration was not given to his amendment—he offered his amendment to that provision of the bill which is as follows:

And no purchase of structural steel, ship plates, or machinery shall be made at a price in excess of a reasonable profit above the actual cost of manufacture.

You will notice it prohibits the purchase only of structural steel, ship plates, and machinery at an unreasonable price, but does not provide that armor and armament shall not be purchased at a price above a reasonable profit; and the object of the gentleman's amendment was to include armor and armament in this provision so as to prohibit its purchase at an unreasonable price. This Committee of the Whole House has made a mistake. Why should we say that the department shall not buy structural steel, ship plates, or machinery at an unreasonable price and permit them to buy armor and armament at an unreasonable price? I submit that to the consideration of this committee; and I say there is no reason why we should not limit the purchase of armor and armament to a reasonable price, but there is every reason why we should do it; because the records show and the hearings clearly demonstrate that on those particular items is where the Government has been robbed in the past. I submit that a great injustice has been done and that a wrong has been perpetrated by this committee. I submit further that the provision cited by the chairman of this committee does not apply, but that it simply prohibits this purchase from a trust. This provision here prohibits this purchase at an unreasonable price, and we ought to prohibit the purchase at an unreasonable price not only of structural steel, ship plates, and machinery, but also of armor and armament. [Applause.]

Mr. BURKE of Wisconsin. Mr. Chairman, to me it is a pleasure to support this naval appropriation bill. It contains among other essential things a provision for the increase of the Navy by authorizing the construction of two first-class battleships. These ships are to carry as heavy armor and as powerful armament as any vessel of their class, and are to have the highest practicable speed and the greatest desirable radius of action. Each is to cost, exclusive of armor and armament, not to exceed \$7,800,000. The armor and armament of the proposed battleships herein provided for are to cost \$8,438,750 each. Each vessel when completed, including its armor and armament, is to cost \$15,238,750.

In addition to these two first-class battleships, the bill provides for the construction of six torpedo boat destroyers having the highest practicable speed and costing, exclusive of armor and armament, \$925,000 each. Provision is also made for one sea-going submarine torpedo boat costing not to exceed \$1,100,000, and also for three coast defense submarine torpedo boats costing not to exceed in the aggregate \$1,860,000. Another provision is for four submarine boats costing in the aggregate \$1,500,000.

#### INCREASE OVER NAVAL BILL OF 1913.

Last year's naval appropriation bill carried the following new construction for the Navy: One battleship, 6 destroyers, 4 submarines, 1 transport, and 1 supply ship, while the bill recommended this year carries 2 battleships, 6 destroyers, and 8 submarines; yet there is a reduction in this bill under last year's bill of \$836,309.99, notwithstanding that the present bill contains provision for the construction of one additional battleship with armor and armament, and several minor increases.

#### TOTALS.

The total amount carried in the naval appropriation bill of 1913 amounted to \$140,800,643.53. The Navy Department submitted estimates for this year, including supplemental estimates and all other estimates, amounting to \$144,492,453.53. The amount recommended for all naval purposes in this bill is \$139,964,433.61, a reduction in the estimates for this year, in round numbers, of \$4,500,000. From this it must be apparent to all that the House Committee on Naval Affairs has not allowed itself to be blinded and rushed by the enthusiasm of the Navy Department. It also proves that our committee is thoroughly familiar with the naval situation of the Nation, and that its recommendations, in the whole and in detail, are based upon substantial facts.

#### FORMER NAVAL PROGRAM.

For several years prior to and including 1911, the Congress of the United States had in its annual naval appropriation bill made provision for the construction of two first-class battleships and for their armor and armament. In 1912 and 1913, in a spasm of economy, Congress made provision for only one first-class battleship, with armor and armament. Under the naval program, which provided for two first-class battleships annually, the strength of the American Navy increased and forged ahead until it ranked second among the naval powers of the world. Failure to continue that program of two battleships each year in 1912 and 1913 has reduced our rank to that of third among the naval powers.

#### MY PREVIOUS VOTES ON THE NAVY.

A caucus of the Democratic Members of the House of Representatives in 1912 decreed that the naval appropriation bill for that year should contain provision for the construction of no new battleships. At that caucus a dream of universal peace and adherence to an impracticable party platform declaration of economy seems to have blinded the Democratic membership to the necessity of upholding and continuing the Navy of the United States second in rank of naval powers. At that time I said to my party colleagues that when it came to the honor and defense of our Nation, I owed no allegiance to my party, but that my sole allegiance was to our country. I then and there bolted the decree of the Democratic caucus and voted upon this question of national defense as my conscience dictated, which was for two battleships. Finally, in that year a compromise was effected and provision was made for one battleship only. The party caucus, having learned something by experience, did not attempt in 1913 to dictate the number of battleships, if any, that should be built for that year. In 1913, however, I again had the pleasure and honor of voting for an amendment to the naval appropriation bill which provided for the construction, armor, and armament of two first-class battleships, but again cheap economy blinded the majority of my party colleagues to the necessity of an adequate Navy, and but one battleship, with armor and armament, was provided for. My attitude and vote upon the last two annual naval appropriation bills were well known to my constituents and to the people of my State. No constituent and no paper in my district has criticized me for openly and boldly voting for such naval appropriations as were considered necessary by experienced naval officials for the maintenance of the second position in rank among the naval powers by the United States. On the other hand, I have received many favorable expressions of opinion for the position which I took upon those two measures.

#### GLAD FOR RETURN TO OLD NAVAL PROGRAM.

It was indeed a pleasure to me to learn early this year that the present Democratic Secretary of the Navy, Hon. Josephus Daniels, intended to include in this year's naval estimates a two-battleship program for the coming fiscal year. This pleasure was increased when I learned that his intentions to recommend such an increase in battleships, had the approval of our Democratic President. Here, at least, we have two Democratic officials high in authority who consider an adequate national naval defense far more important than mere economy. I am sure that the wisdom and patriotism of the country commend them for their wise and sound judgment and their patriotic attitude. History will place them in the ranks of patriots first and in economy second.

In view of this change of attitude on the part of the Democratic Party in favor of an adequate Navy, it is natural that I should rejoice. It is my fond hope that the Secretary of the Navy and the President may continue to urge the upbuilding and maintenance of an American Navy which will be suitable, efficient, and adequate to protect our national interests the world over. I feel that this turn in administration sentiment, justifies me in having previously bolted my party caucus on this matter, and in boldly and openly voting for the maintenance of the efficiency of the American Navy.

INTEREST OF CONSTITUENTS.

In 1912, when I bolted the decree of the Democratic caucus on the question of battleships and voted for two first-class battleships, I was accosted by one of my genial Democratic friends, who belonged to the small-Navy contingent, with the remark that my constituents were not interested in the Navy, and that not one in a thousand of them had ever seen or ever would see a battleship. I promptly told him that I represented an unselfish and patriotic district; I pointed out to him that at that very time the commandant of the Philadelphia Navy Yard was no less an official than Rear Admiral Albert Mertz, a native of my home county of Dodge and a legal resident of my native and home city of Beaver Dam; and I flushed with pride as I told him the additional fact that this admiral and his father before him were loyal and patriotic Democrats. I called his attention to the fact that my district was the district that for five terms had been represented in Congress by the distinguished patriot and Democrat Gen. Edward S. Bragg. I pointed out to him that at that very hour the corridors of the Capitol were being traversed by a lady in mourning, who was the daughter of Gen. Bragg and the widow of Commodore Sherman. Last, but not least, I told him of the two bright, gallant, and patriotic young men from my district that were then and now are cadets in the Annapolis Naval Academy, placed there by me, who are standing near the head of their respective classes, and whom I fondly look forward to see in due time occupying and enjoying high positions in our Navy; and then I asked him if he expected a district with such a record to be represented by a small-Navy Democrat, or by a Democrat who believed in the progress and enlargement of our Navy.

FARMERS HAVE AN INTEREST.

I am aware of, and view with pride, the fact that my dairy constituents now and for many years past have under contract, supplied all the condensed milk used by the United States Navy. It is a compliment of no small magnitude to be thus favored by the Navy, whose judgment is so sound and so excellent in such matters. It is appreciated by my constituents, and I know that they do not look with a frown upon my support of an adequate Navy.

NAVAL PROGRAM OF THE WORLD.

The naval programs of the leading powers of the world are and have of recent years been increasing in tonnage and power. Their programs even this year show a steady increase as compared with those of preceding years. The battleships now under construction are all to be equipped with the largest and most powerful cannon and of increased tonnage.

The 12-inch gun for new battleships has now been almost universally discarded in favor of a 13.4-inch or larger gun. England, Germany, and Italy have adopted a 15-inch weapon. France adheres to the 13.4-inch gun, but has increased the number in each turret to four. Submarines are receiving marked attention, and their size and speed have been greatly increased.

GREAT BRITAIN.

The total naval appropriations of Great Britain for the year ending June 30, 1914, amounted to \$235,213,498, as compared with appropriations of that nation for naval purposes in the previous year of only \$228,430,065. It will be remembered that the appropriation carried by this bill for naval purposes is, in round numbers, only \$139,000,000.

GERMANY.

The total naval appropriations of Germany for the year ending June 30, 1914, amount to \$112,037,576. This is an increase of nearly a million and one-half over the total German naval appropriations for the previous year.

FRANCE.

The total naval appropriations of France for the year ending June 30, 1913, amount to \$90,164,989, an increase of \$8,472,157 over the appropriations of that country for 1912.

JAPAN.

The total naval appropriations of Japan for the fiscal year of 1914 amount to \$48,105,152, which is an increase over the naval appropriations of that country for the preceding year of \$1,195,811.

RUSSIA.

The naval estimates for Russia for the year of 1913 amount to \$118,643,820. This is an increase over the naval appropriations of 1912 of \$36,624,187.

ITALY.

The naval estimates of Italy for the year 1914 amount to \$49,550,147, an increase of \$7,656,727 over the estimates for the preceding year.

It will be observed that there is a pronounced tendency to increase the naval strength of each nation. I venture at this time to include in these remarks the following statistics, in hope that the same may be instructive and interesting:

Relative order of warship tonnage.

Present order (tonnage completed).		As would be the case if vessels now building were completed.	
Nation.	Tonnage.	Nation.	Tonnage.
Great Britain.....	2,072,711	Great Britain.....	2,611,291
Germany.....	943,338	Germany.....	1,228,208
United States.....	760,002	United States.....	921,844
France.....	645,891	France.....	876,155
Japan.....	497,199	Japan.....	702,099
Russia.....	283,681	Russia.....	685,373
Italy.....	259,136	Italy.....	452,089
Austria.....	198,351	Austria.....	258,740

SEA STRENGTH.

[Office of Naval Intelligence, Navy Department, December 1, 1913.]

In order to answer the frequent inquiries of societies and persons throughout the country interested in the maintenance of the Navy and its relative strength and importance in comparison with foreign navies, the following information has been compiled:

SHIPS.

TABLE I.—Vessels built.

	Battle-ships, dread-naught type. <sup>1</sup>	Battle-ships. <sup>2</sup>	Battle cruisers. <sup>3</sup>	Ar-mored cruisers.	Cruis-ers. <sup>4</sup>	De-stroy-ers.	Tor-pedo boats.	Sub-marines.	Coast de-fense ves-sels. <sup>5</sup>
England.....	18	40	9	34	72 (k)	143 (k)	49	72	.....
Germany.....	13	20	4	9	40	130	.....	24	2
United States.....	7	24	.....	11	14	46	18	25	4
France.....	2	18	.....	20	10	81	139	75	1
Japan.....	2	13	1	13	14	54	28	13	2
Russia.....	.....	8	.....	6	9	93	14	30	2
Italy.....	2	8	.....	9	7	28	68	19	.....
Austria.....	2	6	.....	2	5	15	36	6	6

<sup>1</sup> Battleships having a main battery of all big guns (11 inches or more in caliber).  
<sup>2</sup> Battleships of (about) 10,000 tons or more displacement, and having more than one caliber in the main battery.  
<sup>3</sup> Armored cruisers having guns of largest caliber in main battery and capable of taking their place in line of battle with the battleships. They have an increase of speed at the expense of carrying fewer guns in main battery, and a decrease in armor protection.  
<sup>4</sup> Includes all unarmored cruising vessels above 1,500 tons displacement.  
<sup>5</sup> Includes smaller battleships and monitors. No more vessels of this class are being proposed or built by the great powers.

TABLE II.—Vessels building or authorized.

	Battle-ships, dread-naught type.	Battle cruisers.	Cruis-ers.	De-stroy-ers.	Tor-pedo boats.	Sub-marines.
England <sup>1</sup> .....	14	1	20	44	.....	22
Germany <sup>2</sup> .....	6	3	4	12	.....	12
United States.....	5	.....	.....	16	.....	26
France.....	9	.....	.....	5	.....	18
Japan <sup>3</sup> .....	4	3	.....	2	.....	2
Russia <sup>4</sup> .....	7	4	8	45	.....	25
Italy.....	7	.....	3	19	2	.....
Austria.....	2	.....	2	3	27	8

<sup>1</sup> England has no continuing shipbuilding policy, but usually lays down each year 4 or 5 armored ships with a proportional number of smaller vessels.  
<sup>2</sup> Includes vessels of colonies.  
<sup>3</sup> Germany has a continuing shipbuilding program, governed by a fleet law authorized by the Reichstag. For 1913 there are authorized 2 battleships, 1 battle cruiser, 2 cruisers, 12 destroyers. Eventual strength to consist of 41 battleships, 20 armored cruisers, 40 cruisers, 144 destroyers, 72 submarines.  
<sup>4</sup> \$4,760,000 authorized for experiments and further construction.  
<sup>5</sup> \$78,837,509 authorized to be expended from 1911 to 1917 for the construction of war vessels.  
<sup>6</sup> Russian shipbuilding program provides for the completion by 1918 of 4 battle cruisers, 8 small cruisers, 36 destroyers, and 18 submarines.

The following vessels are not included in the tables:  
 Ships over 20 years old from date of launch, unless they have been reconstructed and rearmed within five years.  
 Torpedo craft over 15 years old.  
 Transports, colliers, repair ships, converted merchant vessels, or any other auxiliaries.  
 Vessels of less than 1,500 tons, except torpedo craft. Torpedo craft of less than 50 tons.

Recent battleships and armored cruisers of over 17,000 tons displacement built or proposed by the United States:

Names.	Type.	Tonnage.	Date of order.	Keel laid.	Launched.	Commission.
Delaware.....	B...	20,000	1907	Nov., 1907	Feb., 1909	Apr., 1910
North Dakota.....	B...	20,000	1907	Dec., 1907	Nov., 1908	Do.
Florida.....	B...	21,825	1908	Mar., 1908	May, 1910	Sept., 1911
Utah.....	B...	21,825	1908	Feb., 1909	Dec., 1909	Aug., 1911
Wyoming.....	B...	26,000	1909	Feb., 1910	May, 1911	Sept., 1912
Arkansas.....	B...	26,000	1909	Jan., 1910	Jan., 1911	Aug., 1912
New York.....	B...	27,000	1910	Sept., 1911	Oct., 1912	.....
Texas.....	B...	27,500	1910	Apr., 1911	May, 1912	.....
Nevada.....	B...	27,500	1911	Nov., 1912	.....	.....
Oklahoma.....	B...	27,500	1911	Oct., 1912	.....	.....
Pennsylvania.....	B...	31,400	1912	Oct., 1913	.....	.....
No. 30.....	B...	31,400	1913	.....	.....	.....

<sup>1</sup>Trials, 1913.

#### ARGUMENTS OF THE OPPOSITION.

Those who are opposed to any increase of the Navy contend that it is a useless and wasteful expenditure of the public funds to provide for two battleships in this bill, or to provide for additional increases in construction and armament. This is so, they say, because there is no probability of our Nation becoming involved in war. They point to the increase in the number of advocates, and to the growing sentiments of peace among the civilized nations of the world. They refer to the work of the International Parliamentary Union, and to The Hague Tribunal as great instruments of peace. The increased use and popularizing of arbitration among nations is urged as a reason why a further increase in the American Navy should not be made.

I am aware that stronger, more numerous, and widespread sentiments of international peace exist on the part of both individuals and nations than ever before in human history. All sincere and right-thinking men are delighted to see the rapid advances made in the interest of the peace of nations, and we all hope that the time may come when war will be practically impossible and unknown.

I have no sympathy, however, with certain movements in the interest of peace. The dream of universal peace, near or remote, is a visionary thought and impracticable to realize. I have but contempt for those advocates of peace who allow their ideas of peace to be worked into dreams. Why, we have among us peace advocates who even urge the prevention of the singing by the youth of our country of its battle hymns and patriotic songs; we have dreamers of peace who would prevent the reading of the Declaration of Independence on the Fourth of July, because they fear that some of the stirring language of that glorious declaration may instill thoughts of war in young America. These belong to the class of mollycoddles that our Teddy has so frequently and justly referred to with contempt and ridicule. I have no use whatsoever for such peace societies as the Carnegie Peace Endowment Foundation, whose practical efforts in the direction of promoting peace lie, in a sort of treachery and treason to their own country.

#### POSSIBILITIES OF WAR.

All history has shown that the majority of wars have come unexpectedly. This has necessarily been so, because wars are the product of the collective passion of the people of a nation.

History shows us that up to less than a century ago, the most civilized nations of the world for centuries spent over one-third of their time in wars. From 1688 until 1815, a period of 127 years, 54 of those years were spent in savagery of 12 different wars between France and England. Other nations during the same time were engaged a good part of the time in warfare. Then we did not have great battleships with the greatest of armor and armament. For thousands of years previous to the building of modern battleships there were no battleships, and yet wars were more frequent than in these days of battleships, and yet we have peace advocates among us who say that if we did not have any battleships we would not have any war. History shows us that in the centuries when there were no battleships, war was the rule instead of the exception. Wars will be prevented in the proportion that we are prepared to prevent them, and the time is rapidly coming when no nation can afford to go into a war. I believe and hope that the time is near at hand when some inventive genius will succeed in inventing some power, which will make it too dangerous and ruinous for any nation to go to war. But until that time we must prepare in the same proportion that other nations who are our rivals in commerce and power, are preparing.

In common with all right-thinking men, I believe in peace, and believe in the utmost efforts to preserve peace. It affords me pleasure and satisfaction to see the increasing diversified

forces in the different civilized nations working in the interest of peace; but the forces of peace, like the forces engaged in all praiseworthy matters, may, and do, make mistakes and movements in the wrong direction at times. Until human nature shall have changed it will be necessary for us at all times to be prepared to meet those who may become our adversaries in war. It is true that man is improving and getting better and more peaceful, yet it is a slow process, and in my belief the time will never come when all dangers of the possibilities of war will be over. Dynamite of passion is planted in every human bosom by nature, and when the fuses of honor and patriotism are lighted, there will always be an uncontrolled explosion in both individuals and nations. You can not eliminate from human beings individually, or from human beings forming a nation, the fuses of honor and patriotism, and you can not avoid the consequences of this natural fact.

#### POSSIBILITIES OF WAR.

Our much-boasted civilization is and has been making progress, but it is still millions of years from the millennium. It is only skin deep. Until that is reached, brutal war will be the final arbitrator of our international troubles. At no time in the history of the world have the forces of universal peace been as strong as during the last six or seven years, and especially during the present administration. Peace treaties galore have been entered into by our State Department and have lined the vaults of the Senate. No such eloquent, forcible, and brilliant apostles of peace, has the world ever seen as in our present Secretary of State and our President. Their best efforts have been devoted to the preservation and maintenance of peace between our Nation and other nations. Yet where do we find ourselves to-day? We little thought a month ago that our Nation would be to-day with armed forces on the soil of Mexico. It shows that no matter how willing men may be to avoid the savagery, sorrow, and brutality of war, yet events and conditions in the most advanced civilization are much more forcible and controlling than the dreams of peace apostles. The world's history and our history, as well as our present unpleasant experience in Mexico, conclusively demonstrate the necessity of being prepared for war in order to keep at peace with the world.

#### TRUSTS, COMBINATIONS, AND FRAUDS.

The opponents of a well-prepared and adequate Navy, during the discussion of this bill, have alleged that in the purchase of armor and armament, the Steel Trust and other trusts have imposed upon the Government; and sold it armor and armament and other ship supplies at prices far in excess of those charged foreign nations. It is alleged that much of the domestic armor and armament, and other naval material sold to our Navy has been defective, and a combination is said to exist to extort unreasonable and exorbitant prices from the Government for this Navy material. These opponents hold up their hands in holy horror and denounce all appropriations in this bill which the Government may be forced to use in constructing battleships and purchasing material from American trusts and combinations as criminal waste and public robbery.

No one is more opposed to these trusts and combinations, as well as to other trusts and combinations, than I am. No one views with more indignation and remonstrance than myself the wicked imposition of these trusts and combinations upon the Government, not only in battleship matters, but also in other governmental directions. Whether these charges be true or not, I do not know. They have been repeated so often that it is time they were investigated and relief provided in case they are found to exist. It is strange that if such frauds are practiced upon the Government, that they have not been ascertained; but whether the Government is fleeced by these domestic trusts and combinations in purchasing armor and armament material, the remedy is not by abolishing the Navy or leaving it in a state of unpreparedness. It would be as sensible to advise the abolition of the entire merchant marine because disaster overtakes human life, as in the sinking of the *Titanic*, as to advise a small, unequipped, and unprepared Navy. It would be upon the same principle as advising a man to cut off his nose because at times it offends by detecting stench. It would be just as sensible to advise people to go naked because clothing is adulterated.

When our Democratic Department of Justice gets time and reaches this subject, the country may depend upon it that if there are any trusts and combinations which have been guilty of imposing upon the Government by selling it defective Navy material, or by selling Navy material at a greater price to this country than abroad, that there will be something done to promote justice on the one hand, and to prosecute criminals on the other hand. That department has been extremely busy since this Democratic administration came into power in investigating the

numerous criminal trusts and combinations, which during previous Republican administrations were permitted to grow so numerous and extravagantly in this country. All things, whether just or unjust, can not be done at once. I venture the prophecy, although I am not a prophet nor the son of a prophet, that before the present term of the Wilson administration shall have expired, a legal investigation into these alleged unlawful acts, extortions, and deceptions will have been made, and the guilty ones, if any, duly prosecuted, convicted, and sentenced.

#### ALLEGED WASTE.

The apostles of peace and the champions of little or no Navy find great satisfaction, however, in pointing out that in 15 or 18 years, as a rule, the most up-to-date battleships and Navy armor and armament will be worn out and become obsolete and out of date, and will be replaced by more modern and improved up-to-date battleships and naval armor and armament. They are forever ringing in our ears the present reduced power, rank, and effectiveness of the battleship *Oregon*. This historic battleship, once the greatest pride of the American Navy, has in 16 years, by reason of use, the elements, and age on the one hand, been reduced in power, rank, and effectiveness, and on the other hand, by reason of improved battleships, has been out-ranked, until now it is properly placed in the ranks of third-class battleships. Presumably for the same reasons it will soon be reduced to a still lower rank and to a less degree of power, rank, and efficiency. Our opponents say that in about the same length of time the present, and most effective and up-to-date battleships will be reduced in efficiency and class.

This condition of the battleship *Oregon*, and of other battleships, is true not only of such battleships in our own Navy, but of the navies of other civilized nations, and because of this natural decay on the one hand and natural improvement on the other hand, our opponents say that money invested in war vessels at the present time is only a criminal and needless waste, for they say there is nothing to show for these millions so spent in 18 or 20 years. But let these advocates of no Navy, and small Navy men be reminded that Government appropriations made for and used in the construction and maintenance of a Navy are not the only Government appropriations or private moneys that by reason of years of use and elements on the one hand and improvements on the other hand become, in a short time, apparently a needless waste. When we look back at the taxes paid in towns, cities, villages, counties, and States last year they all appear to be a waste. When we look back upon the clothing worn by ourselves in the last and previous years they all appear to be a waste in the sense in which our opponents contend present battleship appropriations are now a waste. The millions which we spend annually for river and harbor improvements appear also to be a needless waste, and in fact a good many millions spent by the Government on the last subject are actually waste all the time, yet these millions keep our harbors and rivers in a state of navigation sufficient to accommodate the commerce of the country and of the world. The millions spent upon the Army for this year, when looked upon in future years to come, will appear to be a waste in the same sense.

It is only by preparing and using the revenues of the Government in just proportions in the different branches, that the Government can be sustained and the Government itself live. All use is in time waste, but it is useful if it accomplishes the purpose for which it is designed and spent. The proudest and most magnificent merchant-marine ships of last year, are superseded and outclassed and reduced in tonnage, class, and rank by the improved leviathans of the present year. Is it a criminal waste for persons and corporations to invest their money in the construction this year of the most improved, efficient, and up-to-date steamships when in all probability next year or the year after steamships of greater tonnage and greater magnitude will probably be constructed and operated? No private concern looks upon these matters as a waste. This is true not only in the direction of building ships but in every other line of industry. How, then, can our opponents consistently say that we should not appropriate money at present for the construction of up-to-date battleships which may be out of date 15 or 18 years from now?

#### NAVY LEAGUE.

It appears that there is and has been for a long number of years past a society composed of retired and active officers of the United States Navy. They have formed this society for their own welfare. It is composed exclusively of officers and former officers of the Navy, who have in common the same likes and dislikes, aims, purposes, interests, and ambitions. It appears that among the matters that this society manifests an active interest in is the Navy of the United States. They are naturally as such interested in the Navy. It is not a crime that they are.

It is not proof of indiscretion that they manifest an interest in their country's Navy. They would be unnatural and ungrateful if they acted otherwise toward our Navy.

At an expense of between \$18,000 and \$19,000 each of our naval officers who graduate from the Annapolis Naval Academy have been trained and educated by the Government. They have voluntarily entered this branch of the Government service. They do so because it is to their liking and for the reason that it affords an avenue for satisfying their activities and ambition. It is natural that they should form such a society among themselves and take an active interest in the future welfare of the Navy. They would be a most unnatural and ungrateful set of men who, after having been trained and educated at a great expense by the Government, would simply content themselves with their routine duties and the drawing of their salaries. The Nation expects them to not only perform their required duties, but to consider the present and future welfare of our naval service.

It is no more reprehensible for this branch of the service to unite and study, investigate, and publish their views of the necessities and methods of improving this branch of the Government's service, than it is for the teachers of every county, State, and Nation to form teachers' associations and to annually meet and discuss the problems of education and to make known to the country their views of education. Even the rural mail carriers and the employees of nearly every branch of the Government have their State and National organizations to study, consider, and improve not only their own conditions but the service of the Government in which they are engaged. The officers of the United States Navy, who, in their society, study, consider, and make known the necessities and methods of improving the defenses of the United States from a naval standpoint, are deserving of the congratulations of their countrymen, and not to condemnation, such as the no Navy or small Navy men attempt to bestow upon them.

#### PREPAREDNESS FOR WAR IS AN ASSURANCE OF PEACE.

About a year ago this Nation witnessed a humiliating spectacle. In all our history we can find no such spectacle of humiliation as confronted us at the time of the anti-Japanese land laws in California. Japan had made her protests in vigorous terms. We know what Japan can do in a naval war. We saw our naval forces, such as we had, divided by reason of there being no direct communication between the Atlantic and Pacific Oceans, owing to the canal at Panama not being completed. Fear of war with Japan was manifested by nearly everyone who had observed the trend of affairs. We witnessed the spectacle of that great apostle of peace, the honorable Secretary of State, tiptoeing to California to advise its legislature against the passage of land laws depriving the Japanese residents of that State of the right to own land. The Californians knew what they wanted, and they were right in it; yet the high officials of our own Government realized the dangers of war with Japan and the risks which this country would be running in case of such a war, because of the ineffectiveness of our Navy by reason of inability to concentrate it on the Pacific Ocean so as to be able to meet the forces of Japan. Every intelligent and impartial observer of national affairs realized that we were at the mercy of Japan. Why? Because we did not have a Navy large enough in power and so situated as to be able to overcome the navy of Japan at that time. We all remember the direful consequences of a war with that nation which were pointed out at that time. For myself, I have never witnessed nor have I read in all our history so humiliating a situation as that in which our Government was placed at that time. Such would not have been the case, however, if we had in the past maintained and carried out a naval policy sufficient to meet our responsibilities.

#### INEFFECTIVENESS OR INSUFFICIENCY OF LAND DEFENSES.

The advocates of a small or no Navy policy are continually calling attention to the strong natural defenses of the Nation. They point to the Atlantic Ocean on the east, separating us by over 3,000 miles from the nearest nation. They point to the Pacific Ocean on the west, separating us by 6,000 miles from Japan; to Canada on the north and Mexico on the south, with little or no navies. They preach eloquently and courageously that we could drive into the sea the armies of the strongest nation on earth which may land upon our shores, even if we had no Navy. That may be true. But at what an enormous and appalling cost and disgraceful and shameful humiliation.

While our foreign merchant marine is insignificant, yet on the other hand we have next to the largest coastwise merchant marine in the world, running in value to billions of dollars. It is true that we have a sufficient Army to protect our shores from invasion and that we can live in this country, at least for a time, without commerce with foreign nations; but while we

are so living and defending ourselves the navy of any first-class foreign power will capture and destroy our entire merchant marine, second in size in the world and valued at billions of dollars. What patriotic American citizen desires to defend and safeguard our Nation in such a humiliating manner? When our merchant marine shall have been swept from the ocean, when our unprepared and small Navy shall have been destroyed, it is then that the citizens of my district in far-off Wisconsin, who even if there may not be more than one in a thousand who ever sees one of our country's battleships, will bear their share of the Nation's disgrace and humiliation. What consolation will it then be to my constituents, or to the constituents of any Member of Congress on the floor of this House, to remember that the country may have saved the greater part of \$140,000,000 a year for a score or more of years? In view of such deplorable and humiliating circumstances, the people will gladly and unanimously support a policy of insurance against war, consisting of an adequate Navy, even though it costs \$140,000,000 a year.

#### GOVERNMENT ARMOR PLANT.

The pending bill contains, among other wise provisions, an authorization and direction to the Secretary of the Navy to investigate and report at the next regular session of Congress upon the selection of a suitable site for the erection of an armor plant to enable the United States to manufacture its own armor plate, and special-treatment steel required for use in vessels of the Navy. His report is to contain the cost of a site sufficient to accommodate a plant having an annual output of 20,000 tons, and another site for an annual output of 10,000 tons, together with an itemized statement of the cost of buildings, maintenance and accessories of each, and the annual cost of maintenance of each, and the estimated cost of finished product. This is a long step in the right direction. The Government for the last six or seven years has had, and now has, one or more navy yards properly equipped for the construction by the Government of some of its battleships and other war vessels. The experience of the Government with such navy yards has proven satisfactory from the standpoint of economy, efficiency, convenience, speed, and construction. The Government ought to have sufficient navy yards thus equipped to do the constructing and building of all its vessels.

Complaints have repeatedly been made of the extortions practiced upon the Government in the sale of armor plate by domestic trusts and combinations. Charges have been made that defective plate has been supplied the Government, and further charges have been made that our domestic armor-plate manufacturers are in a trust and combination, by means of which our Government is forced to pay more for armor plate than these same domestic trusts sell the same products to foreign nations for. All of these extortions, frauds, and impositions can be avoided by the construction, maintenance, and operation of a Government-owned armor plant. There is no reason why such a plant can not be operated as economically as one privately owned, and the product manufactured at such a plant will then be certain to be genuine and adapted to the purpose for which it is purchased. The Government should own all the navy yards and manufacturing plants necessary to build all the ships and produce all the material used in the manufacture of armor and armament of naval vessels. Government ownership and operation of such a plant is the true way in which to force the trust octopus to release its death hold on the manufacture of products necessary for building and equipping an adequate navy, free and purged from all extortion, fraud, and deception.

#### AN EFFICIENT NAVY IS A DEMOCRATIC DOCTRINE.

The Democratic national platform adopted at Baltimore in 1912 contains a warrant and express direction to the representatives of the Democratic Party upon naval matters. It is a clear, concise, and ringing declaration in conformity with the past history and traditions of the Democratic Party. There is no ambiguity or incompleteness about it. It is direct and positive. It is not a newly created doctrine, but is found in the ancient faith and practice of the party.

All Americans remember with just pride the glorious victories won by our Navy in the Spanish-American War. Those victories cheered patriotic Americans, and will continue to be cherished by all loyal Americans for centuries to come. So long as the Stars and Stripes continue to float, the victories of Manila Bay and Santiago will be held in glorious remembrance by all true Americans. The American fleets that won these great naval battles were not the result of a hasty gathering of ships, but they constituted a Navy, the foundation of which was laid in the administration of President Cleveland by that able, genuine, and honorable Democratic statesman, Hon. William C. Whitney, then Secretary of the Navy. It is due to his genius that a plan for building an American Navy was devised and in-

augurated. Without the work in naval matters and upon the naval program done by Whitney, there would have been no American fleet to win those glorious victories in the Spanish War; but, on the contrary, the American forces would have been at the mercy of the Spanish, according to all intelligent authorities upon that subject. In his great work of building an American Navy, Secretary Whitney had the active and loyal support of the Cleveland Democratic administration. Our party has just reason to feel proud of its share in the planning and building up of the American Navy, and the only regrets that are due from the Democratic Party on the subject of the American Navy, is its refusal to authorize the construction of two battleships in each of the years of 1912 and 1913. With such a patriotic history to its credit and in mind, at the time of the Baltimore convention, our party in that convention could not and did not forget its duty to the American Navy.

#### DEMOCRATIC PLATFORM, 1912—AN EFFICIENT NAVY.

We approve the measure reported by the Democratic leaders in the House of Representatives for the creation of a council of national defense, which will determine a definite naval program with a view to increased efficiency and economy. The party that proclaimed and has always enforced the Monroe doctrine and was sponsor for the new Navy will continue faithfully to observe the constitutional requirements to provide and maintain an adequate and well-proportioned Navy sufficient to defend American policies, protect our citizens, and uphold the honor and dignity of the Nation.

The present Democratic Secretary of the Navy and the President are to be congratulated by all Americans, and especially by Democrats, in faithfully adhering not only to the spirit but the letter of the Democratic platform upon the question of an efficient Navy. This bill, the first one presented under this Democratic administration, is clear notice to the people of America, that we have a Democratic administration that believes in providing for a Navy sufficient to defend American policies, protect our citizens, and uphold the honor and dignity of the Nation.

Mr. MANN. Mr. Chairman, I think the statement made by the gentleman from Texas [Mr. GREGG] deserves some consideration. This paragraph has been in the bill for a number of years. It does not amount to as much as the difference between tweedledum and tweedledee. Some bright genius suggested it some years ago, and some bright genius, perhaps, added to the provision that it should not apply to any existing contracts. What does it apply to? It has been in the law for years. What has it ever accomplished; what has it ever done? If anybody on the Naval Affairs Committee can find out or give us the information, I will yield for that purpose.

Now, the gentleman from Texas says that he wants to restrict the right of the Secretary of the Navy to purchase this armor. The Secretary of the Navy now has the authority to reject any bids for armor. He now has authority to refuse to buy armor.

I am very largely with the gentlemen who are sometimes called the "little Navy" men, and I do not take any exception to it, but I am unwilling to endeavor to strangle the Navy indirectly. The Secretary of the Navy now can reject a bid for armor or armament which he thinks is too high. But if you endeavor to fix it so that he can not buy armor at all, what is the use of making any provision for an armored vessel? It is an indirect effort to accomplish what my friend from Texas would prefer to accomplish directly—make no appropriation at all for the construction of armored vessels.

Mr. GREGG. Will the gentleman yield?

Mr. MANN. For a question.

Mr. GREGG. If the gentleman's proposition is true as to armor and armament, why is it not true as to structural steel, ship plates, and machinery?

Mr. MANN. It is true, the whole thing was put in as pure buncombe. It was buncombe in the beginning, and it remains in the bill as buncombe. It does not amount to a row of pins.

Now, the gentleman from Texas is on the Committee on Naval Affairs, and I will ask him if during all this time that it has been in the law it has effected any purpose?

Mr. GREGG. I am not a member of the Committee on Naval Affairs, I will say to the gentleman.

Mr. MANN. The gentleman used to be, and he was a member when this was put in the bill.

Mr. GREGG. I assume that the officers of the Government have acted honestly, and it has had some effect.

Mr. MANN. What does it apply to?

Mr. GREGG. It applies to what it specifies.

Mr. MANN. These appropriations in the main are for vessels already authorized for which contracts have already been let. You make an appropriation for it and say it shall not apply to contracts in existence. Bring in a provision some time as a matter of legislation and say that it shall not apply to any contracts to be made, and it will amount to something. [Applause.]

The Clerk completed the reading of the bill.  
 Mr. PADGETT. Mr. Chairman, I move that the committee rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on this subject.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Chairman, on yesterday afternoon the gentleman from Wisconsin [Mr. STAFFORD] asked about the cost of the Arlington high-power radio station. I have a letter here which I want to put in the RECORD in regard to it.

Mr. MANN. How much did it cost?

Mr. PADGETT. Two hundred and sixty-seven thousand two hundred and four dollars.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The letter is as follows:

NAVY DEPARTMENT,  
 BUREAU OF STEAM ENGINEERING,  
 Washington, D. C., May 7, 1914.

Hon. LEMUEL P. PADGETT, M. C.,  
 Chairman Committee on Naval Affairs,  
 United States House of Representatives.

MY DEAR MR. PADGETT: The following is the cost of Arlington station:

Towers-----	\$114,007
Buildings-----	72,883
Equipment-----	73,514
Ground wiring-----	2,300
Roads, grading, water and sanitary system-----	4,500

Total----- 267,204

I think I explained to you about six months ago that we don't contemplate building one of these high-power stations in Samoa, and that we couldn't build six stations for a million dollars; nor do I think that we could build five; but we are going to come pretty close to it if our hope is realized, which is that we may get long-distance communication between Honolulu and Manila and thus render unnecessary one of these expensive high-power stations for Guam.

Trusting that this covers the information you wish,

I am, very truly, yours,

R. S. GRIFFIN,  
 Engineer in Chief, United States Navy.

The motion of Mr. PADGETT was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. PADGETT. Mr. Speaker, I demand the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

There was no demand for a separate vote, and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. WITHERSPOON. Mr. Speaker, I move to recommit the bill with instructions.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. WITHERSPOON moves to recommit the bill H. R. 14034, the naval appropriation bill, to the Committee on Naval Affairs, with the following instructions: To amend the bill as follows: In line 8, page 53, strike out the word "two" and insert the word "one"; strike out in the same line the word "battleships" and insert "battleship"; in line 10, same page, strike out "their" and insert "its"; line 12, same page, strike out the word "each"; and to report the same back to the House forthwith.

Mr. PADGETT. Mr. Speaker, I move the previous question on the motion to recommit.

Mr. MANN. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. MANN. Assuming that this motion might prevail, there are some other amendments that might go in, but I suppose that could be done afterwards. I refer to amendments of some language inserted to-day.

Mr. PADGETT. If this motion prevails, we can take care of that later.

The SPEAKER. The gentleman from Tennessee moves the previous question on the motion to recommit.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on the motion to recommit.

Mr. WITHERSPOON. And on that, Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 106, nays 202, answered "present" 13, not voting 112, as follows:

YEAS—106.			
Abercrombie	Cramton	Henry	Sainders
Alexander	Crosser	Hensley	Sells
Allen	Cullopp	Hill	Sharp
Aswell	Davenport	Igoe	Sherwood
Bailey	Decker	Johnson, S. C.	Sims
Barton	Dent	Kindel	Stafford
Beall, Tex.	Dickinson	Kitchin	Stephens, Nebr.
Bell, Ga.	Dies	Lever	Stephens, Tex.
Blackmon	Diffenderfer	Lieb	Stevens, N. H.
Boeber	Dillon	Lindbergh	Stout
Borland	Donovan	Lloyd	Switzer
Bowdle	Faison	Maguire, Nebr.	Taggart
Brockson	Ferris	Mann	Tavener
Browne, Wis.	Finley	Mondell	Taylor, Ark.
Brumbaugh	Foster	Moss, Ind.	Thompson, Okla.
Buchanan, Ill.	Fowler	Oldfield	Underwood
Buchanan, Tex.	Francis	Page, N. C.	Vaughan
Burgess	Garrett, Tenn.	Park	Watkins
Burnett	Garrett, Tex.	Peterson	Watson
Byrnes, S. C.	Gillett	Quin	Weaver
Callaway	Gray	Rainey	Webb
Candler, Miss.	Gregg	Rayburn	Whitacre
Caraway	Hamlin	Reilly, Wis.	Wingo
Claypool	Hardy	Rubey	Witherspoon
Cline	Heflin	Rucker	Young, Tex.
Collier	Helm	Russell	
Connelly, Kans.	Helvering	Sabath	

NAYS—202.			
Adair	Farr	Kinkaid, Nebr.	Ragsdale
Adamson	Fergusson	Kinhead, N. J.	Raker
Aiken	Fess	Knowland, J. R.	Rauch
Alney	Fitzgerald	Konop	Reed
Anderson	FitzHenry	La Follette	Riordan
Austin	Flood, Va.	Langley	Roberts, Ark.
Avis	Fordney	Lazaro	Roberts, Nev.
Baker	Frear	Lee, Ga.	Rogers
Barkley	French	Lobeck	Rouse
Beakes	Gallagher	Logue	Rupley
Bell, Cal.	Gallivan	Loneragan	Scott
Borchers	Gard	McAndrews	Scully
Britten	Gerry	McClellan	Seldomridge
Broussard	Gilmore	McCoy	Shreve
Browning	Goldfogle	McDermott	Sinnott
Bruckner	Good	McGillcuddy	Sloan
Bulkley	Gorman	McKellar	Smith, Idaho
Burke, S. Dak.	Goulden	McKenzie	Smith, J. M. C.
Burke, Wis.	Graham, Ill.	MacDonald	Smith, Md.
Byrnes, Tenn.	Graham, Pa.	Mahan	Smith, Minn.
Campbell	Green, Iowa	Maher	Smith, Saml. W.
Cantor	Greene, Mass.	Manahan	Stedman
Cantrill	Greene, Vt.	Mapes	Steenerson
Carr	Griest	Mitchell	Stevens, Cal.
Cary	Griffin	Montague	Stevens, Minn.
Casey	Hamill	Morgan, La.	Stone
Chandler, N. Y.	Hamilton, Mich.	Morgan, Okla.	Stringer
Church	Hamilton, N. Y.	Morrison	Sutherland
Clancy	Hammond	Murdock	Talbot, Md.
Coady	Haugen	Murray, Mass.	Talcott, N. Y.
Conry	Hawley	Murray, Okla.	Taylor, N. Y.
Cooper	Hayden	Neeley, Kans.	Ten Eyck
Copley	Hinds	Neely, W. Va.	Thacher
Curry	Hinebaugh	Nolan, J. I.	Thomas
Dale	Holland	Norton	Thomson, Ill.
Danforth	Houston	O'Brien	Towner
Davis	Howell	O'Leary	Townsend
Deltrick	Hull	O'Shaunessy	Tribble
Dixon	Humphrey, Wash.	Padgett	Tuttle
Donohoe	Johnson, Ky.	Paige, Mass.	Underhill
Dooling	Johnson, Utah	Parker	Vare
Doolittle	Johnson, Wash.	Patten, N. Y.	Walsh
Doremus	Jones	Payne	Walters
Drukker	Kahn	Peters, Mass.	Whaley
Dupré	Keister	Peters, Me.	White
Eagan	Kelley, Mich.	Phelan	Willis
Edmonds	Kennedy, Conn.	Platt	Wilson, N. Y.
Edwards	Kennedy, Iowa	Plumley	Winslow
Esch	Kennedy, R. I.	Post	Woodruff
Estopinal	Kent	Pou	
Falconer	Kettner	Powers	

ANSWERED "PRESENT"—13.			
Bartlett	Guernsey	Madden	Wilson, Fla.
Carter	Harrison	Sisson	
Cox	Hughes, Ga.	Summers	
Garner	Key, Ohio	Taylor, Ala.	

NOT VOTING—112.			
Ansberry	Brown, W. Va.	Covington	Fairchild
Anthony	Bryan	Crisp	Fields
Ashbrook	Burke, Pa.	Dersham	Floyd, Ark.
Baltz	Butler	Doughton	Gardner
Barchfeld	Calder	Driscoll	George
Barnhart	Carew	Dunn	Gittins
Bartholdt	Carlin	Dyer	Glass
Bathrick	Clark, Fla.	Eagle	Godwin, N. C.
Brodbeck	Clayton	Elder	Goek
Brown, N. Y.	Connolly, Iowa	Evans	Goodwin, Ark.

Gordon	Korbly	Metz	Slayden
Gudger	Kreider	Miller	Slemp
Hardwick	Lafferty	Moon	Small
Hart	Langham	Moore	Smith, N. Y.
Hay	Lee, Pa.	Morin	Smith, Tex.
Hayes	L'Engle	Moss, W. Va.	Sparkman
Helgesen	Lenroot	Mott	Stanley
Hobson	Leshner	Nelson	Stephens, Miss.
Howard	Levy	Oglesby	Taylor, Colo.
Hoxworth	Lewis, Md.	O'Hair	Temple
Hughes, W. Va.	Lewis, Pa.	Palmer	Treadway
Hulings	Lindquist	Patton, Pa.	Vollmer
Humphreys, Miss.	Linthicum	Porter	Volstead
Jacoway	Loft	Prouty	Walker
Keating	McGuire, Okla.	Reilly, Conn.	Wallin
Kelly, Pa.	McLaughlin	Rothermel	Williams
Kless, Pa.	Martin	Shackelford	Woods
Kirkpatrick	Merritt	Sherley	Young, N. Dak.

So the motion to recommit was rejected.  
The Clerk announced the following pairs:  
For the session:

Mr. HOBSON with Mr. FAIRCHILD.

Mr. METZ with Mr. WALLIN.

Until further notice:

Mr. BROWN of West Virginia with Mr. WOODS.

Mr. ASHBROOK with Mr. ANTHONY.

Mr. BALTZ with Mr. BARCHFELD.

Mr. BARNHART with Mr. BARTHOLDT.

Mr. BATHRICK with Mr. DUNN.

Mr. BRODBECK with Mr. DYER.

Mr. BROWN of New York with Mr. HAYES.

Mr. CARLIN with Mr. HELGESEN.

Mr. CLARK of Florida with Mr. HULINGS.

Mr. CONNOLLY of Iowa with Mr. KIESS of Pennsylvania.

Mr. COVINGTON with Mr. KREIDER.

Mr. DRISCOLL with Mr. LAFFERTY.

Mr. EVANS with Mr. LANGHAM.

Mr. FIELDS with Mr. LEWIS of Pennsylvania.

Mr. GODWIN of North Carolina with Mr. LINDQUIST.

Mr. GOEKE with Mr. MCGUIRE of Oklahoma.

Mr. HARDWICK with Mr. MCLAUGHLIN.

Mr. HAY with Mr. MARTIN.

Mr. HOWARD with Mr. MERRITT.

Mr. MOON with Mr. MILLER.

Mr. LEVY with Mr. MOTT.

Mr. O'HAIR with Mr. MORIN.

Mr. PALMER with Mr. PATTON of Pennsylvania.

Mr. ROTHERMEL with Mr. MOSS of West Virginia.

Mr. SHACKLEFORD with Mr. NELSON.

Mr. SHERLEY with Mr. TREADWAY.

Mr. SMALL with Mr. PORTER.

Mr. SPARKMAN with Mr. PROUTY.

Mr. STEPHENS of Mississippi with Mr. TEMPLE.

Mr. TAYLOR of Colorado with Mr. VOLSTEAD.

Mr. WALKER with Mr. YOUNG of North Dakota.

Mr. GLASS with Mr. SLEMP.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. GUDGER with Mr. GUERNSEY.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

On the vote:

Mr. GOODWIN of Arkansas (for one battleship) with Mr. REILLY of Connecticut (for two battleships).

Mr. HUGHES of Georgia (for one battleship) with Mr. LINTHICUM (for two battleships).

Mr. KEATING (for one battleship) with Mr. DERSHEM (for two battleships).

Mr. COX (for one battleship) with Mr. CALDER (for two battleships).

Mr. HUMPHREYS of Mississippi (for two battleships) with Mr. SISSON (against).

Mr. WILLIAMS (for two battleships) with Mr. DOUGHTON (for one battleship).

Mr. GORDON (for one battleship) with Mr. WILSON of Florida (for two battleships).

Mr. GARNER (for one battleship) with Mr. GARDNER (for two battleships).

Mr. BARTLETT (for one battleship) with Mr. BUTLER (for two battleships).

Mr. CARTER (for two battleships) with Mr. ELDER (for one battleship).

Mr. MOORE (for two battleships) with Mr. JACOWAY (against).

Mr. ANSERBY (for two battleships) with Mr. HARRISON (against).

Mr. CAREW (for two battleships) with Mr. SMITH of Texas (against).

Mr. LEE of Pennsylvania (for two battleships) with Mr. SUMNERS (for one battleship).

Mr. BARTLETT. Mr. Speaker, did the gentleman from Pennsylvania, Mr. BUTLER, vote?

The SPEAKER. He did not.

Mr. BARTLETT. Mr. Speaker, I desire to withdraw my vote of "yea" and answer "present." I am paired with the gentleman.

The name of Mr. BARTLETT was called, and he answered "Present."

Mr. SISSON. Mr. Speaker, did the gentleman from Mississippi, Mr. HUMPHREYS, vote?

The SPEAKER. He did not.

Mr. SISSON. Mr. Speaker, I desire to withdraw my vote of "yea" and answer "present."

The name of Mr. Sisson was called, and he answered "Present."

Mr. COX. Mr. Speaker, did the gentleman from New York, Mr. CALDER, vote?

The SPEAKER. He did not.

Mr. COX. Mr. Speaker, I voted "yea." I have a pair with the gentleman, and I desire to withdraw that vote and answer "present."

The name of Mr. Cox was called, and he answered "Present."

Mr. BRYAN. Mr. Speaker, I desire to vote "no."

The SPEAKER. Was the gentleman in the Hall listening for his name to be called?

Mr. BRYAN. Mr. Speaker, I had stepped out of the Hall and was just coming in the door when my name was called.

The SPEAKER. The gentleman does not bring himself within the rule. He must be across the line.

Mr. WILSON of Florida. Mr. Speaker, did the gentleman from Ohio, Mr. GORDON, vote?

The SPEAKER. He did not.

Mr. WILSON of Florida. Mr. Speaker, I voted "nay." I desire to withdraw that vote and answer "present," as I am paired with the gentleman from Ohio.

The name of Mr. WILSON of Florida was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill. The question was taken, and the bill was passed.

On motion by Mr. PADGETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3886. An act to repeal sections 2588, 2589, and 2590 of the Revised Statutes of the United States; and

S. 5291. An act to authorize Edmund Richardson, or the parishes of East Carroll and West Carroll, La., or both, to construct a bridge across Macon Bayou, at or near Epps Ferry, La.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 12291. An act to increase the limit of cost for the extension, remodeling, and improvement of Pensacola (Fla.) post office and courthouse, and for other purposes.

The message also announced that the President had approved and signed bills of the following titles:

On May 2, 1914:

S. 656. An act granting to the trustees of the diocese of Montana of the Protestant Episcopal Church, for the benefit of "Christ Church On-the-Hill," at Poplar, Mont., lots 5, 6, and 7, in block 30, town site of Poplar, State of Montana; and

S. 3403. An act to abolish the office of receiver of public moneys at Springfield, Mo., and for other purposes.

#### ENROLLED BILL SIGNED.

The Speaker announced his signature to enrolled bills of the following titles:

S. 540. An act for the relief of Joseph Hodges;

S. 1922. An act for the relief of Margaret McQuade;

S. 1808. An act for the relief of Joseph L. Donovan; and

S. 3997. An act to waive for one year the age limit for the appointment as assistant paymaster in the United States Navy in the case of Landsman for Electrician Richard C. Reed, United States Navy.

#### SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 5291. An act to authorize Edmund Richardson, or the parishes of East Carroll and West Carroll, La., or both, to con-

struct a bridge across Macon Bayou, at or near Epps Ferry, La.; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 5993. An act authorizing the city of Montrose, Colo., to purchase certain public lands for public-park purposes.

PENSION APPROPRIATION BILL.

Mr. BARTLETT. Mr. Speaker, I call up the bill H. R. 15280, the pension appropriation bill, and ask for its immediate consideration.

Mr. MANN. Mr. Speaker, what will the Clerk report it for?

The SPEAKER. The Chair did not understand the gentleman from Illinois.

Mr. MANN. There is nothing for the Clerk to report. If the gentleman wishes to go into the Committee of the Whole House on the state of the Union, that is one thing.

Mr. BARTLETT. I will make that motion, and then I will move that the committee immediately rise.

The SPEAKER. The bill ought to be reported by title.

Mr. MANN. No; the gentleman can not call up the bill; all he can do is to make a motion.

Mr. BARTLETT. Then, Mr. Speaker, I move to go into the Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 15280, known as the pension appropriation bill.

The SPEAKER. Before the Chair puts the question he wishes to announce that when this bill is out of the way the Chair will recognize the Rules Committee to call up the bill about the election of United States Senators, and after that is out of the way the Chair will recognize the gentleman from Virginia [Mr. Flood] to call up the diplomatic and consular appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 15280, the pension appropriation bill, with Mr. MURRAY of Oklahoma in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 15280, the pension appropriation bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 15280) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1915, and for other purposes.

Mr. BARTLETT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTLETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MURRAY of Oklahoma, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15280, the pension appropriation bill, and had come to no resolution thereon.

ADJOURNMENT.

Mr. BARTLETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 26 minutes p. m.) the House adjourned to meet to-morrow, Friday, May 8, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, dated May 6, copies of reports from Col. W. C. Langfitt, Corps of Engineers, dated July 7 and December 30, 1913, with maps of preliminary examination and survey of Ware River, Va. (H. Doc. No. 969); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

2. A letter from the Acting Secretary of the Treasury, transmitting additional estimates relative to public-buildings service in connection with projects for which there are not now sufficient funds on hand to carry on the work, etc. (H. Doc. No.

968); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GOLDFOGLE, from the Committee on Elections No. 3, to which was referred House resolution 504, relating to the contested-election case of Michael J. Gill against L. C. Dyer, from the twelfth congressional district of the State of Missouri, submitted a report thereon (No. 629), which said report was referred to the House Calendar.

Mr. QUIN, from the Committee on Military Affairs, to which was referred the concurrent resolution (H. Con. Res. 34) authorizing the Secretary of War to return to the State of Louisiana the original ordinance of secession adopted by said State, reported the same without amendment, accompanied by a report (No. 634), which said concurrent resolution and report were referred to the House Calendar.

Mr. SUMNERS, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 13815) to increase the limit of cost for the construction of a public building at Marlin, Tex., reported the same with an amendment, accompanied by a report (No. 636), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16133) to amend section 20 of an act to regulate commerce, reported the same with an amendment, accompanied by a report (No. 637), which said bill and report were referred to the House Calendar.

Mr. HAMILTON of Michigan, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 1818) to regulate the interstate transportation of immature calves, reported the same without amendment, accompanied by a report (No. 638), which said bill and report were referred to the House Calendar.

Mr. TAYLOR of Colorado, from the Committee on Mines and Mining, to which was referred the bill (H. R. 15288) to provide for a commission to codify and suggest amendments to the general mining laws, reported the same with amendment, accompanied by a report (No. 639), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SMITH of Maryland, from the Committee on Pensions, to which was referred the bill (H. R. 16345) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 628), which said bill and report were referred to the Private Calendar.

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (H. R. 10271) to remove the charge of desertion from the record of Edward Whiteside, reported the same with amendment, accompanied by a report (No. 630), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 816) to correct the military record of Abraham Hoover, reported the same with amendment, accompanied by a report (No. 631), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 5474) to correct the military record of Patrick McGee, alias Patrick Gallagher, reported the same with amendment, accompanied by a report (No. 632), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 9615) correcting the military record of Benjamin F. Richardson, reported the same with amendment, accompanied by a report (No. 633), which said bill and report were referred to the Private Calendar.

Mr. POU, from the Committee on Claims, to which was referred the bill (S. 4053) for the relief of the Atlantic Coast Line Railroad Co., reported the same with amendment, accom-

panied by a report (No. 635), which said bill and report were referred to the Private Calendar.

Mr. KEY of Ohio, from the Committee on Pensions, to which was referred the bill (S. 4657) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 640), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 4260) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 641), which said bill and report were referred to the Private Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9127) granting a pension to John H. Caldwell; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14016) granting a pension to Ebb Workman; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 16346) to amend section 4131 of the Revised Statutes of the United States of America as amended by the act of Congress approved May 28, 1896, relating to the renewal of licenses; to the Committee on the Merchant Marine and Fisheries.

By Mr. KETTNER: A bill (H. R. 16347) authorizing the preliminary survey of the Mojave River watershed, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. CLAYTON: A bill (H. R. 16348) to establish a fish-cultural station in the State of Alabama; to the Committee on the Merchant Marine and Fisheries.

By Mr. BROUSSARD: A bill (H. R. 16349) to recognize the value of certain ingredients in baking powder, establishing standards therein, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WATKINS: A bill (H. R. 16350) to authorize the construction of a bridge across the Sabine River in the States of Louisiana and Texas, about 2 miles west of Hunter, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMSON: Resolution (H. Res. 505) to make privileged H. R. 16133; to the Committee on Rules.

By Mr. CARY: Resolution (H. Res. 506) authorizing and directing the Speaker of the House of Representatives to appoint a committee to investigate certain matters; to the Committee on Rules.

By Mr. HAY: Joint resolution (H. J. Res. 262) authorizing the President to detail Lieut. Frederick Mears to service in connection with the proposed Alaskan Railroad; to the Committee on Military Affairs.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. SMITH of Maryland: A bill (H. R. 16345) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. ANDERSON: A bill (H. R. 16351) granting a pension to Louisa M. Sabin; to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 16352) granting a pension to Frank Clark; to the Committee on Pensions.

By Mr. AUSTIN: A bill (H. R. 16353) granting a pension to John G. Burns; to the Committee on Pensions.

By Mr. BROWN of West Virginia: A bill (H. R. 16354) granting an increase of pension to Allen J. Freeland; to the Committee on Invalid Pensions.

By Mr. CONRY: A bill (H. R. 16355) granting a pension to Mary Carroll; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16356) granting an increase of pension to Catharine Doty; to the Committee on Invalid Pensions.

By Mr. EDMONDS: A bill (H. R. 16357) granting a pension to Mary C. Gulliford; to the Committee on Pensions.

By Mr. FESS: A bill (H. R. 16358) for the relief of Abraham Kauffmann; to the Committee on Military Affairs.

By Mr. FIELDS: A bill (H. R. 16359) granting an increase of pension to James McCue; to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 16360) granting an increase of pension to George D. Brooks; to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 16361) granting an increase of pension to Lewis S. Goshorn; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 16362) for the relief of Owen F. Barnes; to the Committee on Military Affairs.

Also, a bill (H. R. 16363) granting an increase of pension to George A. Kogle; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 16364) for the relief of Reuben W. Pavey; to the Committee on War Claims.

By Mr. KENNEDY of Connecticut: A bill (H. R. 16365) granting a pension to Joseph Monaghan; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 16366) granting a pension to Florence Woodward; to the Committee on Invalid Pensions.

By Mr. J. R. KNOWLAND: A bill (H. R. 16367) granting a pension to Carl Henry Epple; to the Committee on Pensions.

By Mr. LONERGAN: A bill (H. R. 16368) granting an increase of pension to Anna E. Corbin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16369) to remove the charge of desertion against John Starkey; to the Committee on Military Affairs.

By Mr. MONTAGUE: A bill (H. R. 16370) for the relief of the Richmond, Fredericksburg & Potomac and Richmond & Petersburg Railroad Connection Co.; to the Committee on Claims.

By Mr. MOSS of West Virginia: A bill (H. R. 16371) granting an increase of pension to John W. Bush; to the Committee on Invalid Pensions.

By Mr. NEELY of West Virginia: A bill (H. R. 16372) granting an increase of pension to Benjamin F. Sutton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16373) granting an increase of pension to Isaac W. Johnston; to the Committee on Invalid Pensions.

By Mr. O'HAIR: A bill (H. R. 16374) granting an increase of pension to Elizabeth F. Hannah; to the Committee on Invalid Pensions.

By Mr. PATTEN of New York: A bill (H. R. 16375) to correct the military record of Chester H. Southworth; to the Committee on Military Affairs.

By Mr. PLATT: A bill (H. R. 16376) granting an increase of pension to Catherine Terwilliger; to the Committee on Invalid Pensions.

By Mr. RAYBURN: A bill (H. R. 16377) for the relief of the heirs of Robert H. Burney and C. J. Fuller, deceased; to the Committee on Claims.

By Mr. SELLS: A bill (H. R. 16378) granting a pension to Alvin Rainbolt; to the Committee on Pensions.

Also, a bill (H. R. 16379) granting an increase of pension to William Trent; to the Committee on Invalid Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 16380) granting a pension to George Zederbaum; to the Committee on Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 16381) granting an increase of pension to G. W. Darling; to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 16382) granting an increase of pension to Gilbert R. Whitbeck; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 16383) granting a pension to William S. Montgomery; to the Committee on Pensions.

By Mr. TAGGART: A bill (H. R. 16384) granting an increase of pension to Samuel Fox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16385) for the relief of Malinda Johnson; to the Committee on War Claims.

By Mr. VAUGHAN: A bill (H. R. 16386) granting an increase of pension to Martha A. Hardin; to the Committee on Invalid Pensions.

By Mr. YOUNG of North Dakota: A bill (H. R. 16387) granting an increase of pension to George Battey; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 16388) granting a pension to Florence B. Eckert; to the Committee on Invalid Pensions.

By Mr. GRAHAM of Illinois: A bill (H. R. 16389) granting an increase of pension to Augustus I. Bronson; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of sundry citizens of Wheeling, W. Va.; Rockford, Ohio; Pittsburgh, Pa.; and New York City, protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. ADAMSON: Petitions of sundry citizens of Columbus, Ga., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Talbot County, Ga., favoring national prohibition; to the Committee on the Judiciary.

By Mr. AINEY: Petition of sundry voters of Harford, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ALEXANDER: Petitions of 55 citizens of Mount Moriah, Mo., and 85 citizens of Hatfield, Mo., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ALLEN: Petition of William Boltz and several other citizens of Addyston, Ohio, favoring the passage of Bryan bill (H. R. 16096); to the Committee on Military Affairs.

By Mr. ANSBERRY: Petition of the Woman's Christian Temperance Union of Paulding County and Defiance and the Equal Suffrage League of Van Wert, all in the State of Ohio, demanding action by Judiciary Committee on woman suffrage; to the Committee on the Judiciary.

By Mr. ASHEROOK: Petition of the American Bottle Co., of Newark, Ohio, against national prohibition; to the Committee on the Judiciary.

Also, petition of the Tuscarawas Classes of the Reformed Church of the United States, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BAILEY (by request): Petition of sundry citizens of St. Benedict and Johnstown, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also (by request), petition of sundry citizens of Cambria County, Pa., against national prohibition; to the Committee on the Judiciary.

By Mr. BEAKES: Petitions of 10 citizens of the second district of Michigan, requesting a congressional investigation of the Cook-Peary polar controversy; to the Committee on Naval Affairs.

Also, petitions of 10 citizens of Adrian, Mich., and 11 citizens of Ann Arbor, Mich., in opposition to House bill 7826, the Sabbath-observance bill; to the Committee on the District of Columbia.

Also, petitions of 6 citizens of Adrian, Mich., and 11 citizens of Ann Arbor, Mich., favoring the passage of House bill 12028, to amend postal laws; to the Committee on the Post Office and Post Roads.

Also, resolution of the First Baptist Church of Adrian, Mich., favoring an amendment to the Constitution prohibiting polygamy in the United States; to the Committee on the Judiciary.

Also, petitions of 32 citizens of Ypsilanti, Mich., protesting against the passage of a bill denying certain negro fraternities the use of the mails; to the Committee on the Post Office and Post Roads.

By Mr. BROWNING: Petition of 250 citizens of Camden, city and county, N. J., opposing national prohibition; to the Committee on the Judiciary.

Also, petition of the County Sunday School Association of Gloucester, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BRUCKNER: Petitions of 16 citizens of New York, against national prohibition; to the Committee on the Judiciary.

By Mr. BURKE of South Dakota: Petition of 112 citizens of Columbia, S. Dak., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of E. D. Griedt, of Eureka, S. Dak., against national prohibition; to the Committee on the Judiciary.

By Mr. BURKE of Pennsylvania: Petition of Erie (Pa.) Foundry Men's Association, relative to legislation for regulation of interstate business; to the Committee on the Judiciary.

By Mr. COADY: Petition of 10,000 citizens of Maryland, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. COPLEY: Petition of sundry citizens of Dupage County, Ill., favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of sundry citizens of McHenry County, Ill., against national prohibition; to the Committee on the Judiciary.

By Mr. DICKINSON: Petition of 23 citizens of Clinton, Mo., favoring Clark drainage bill; to the Committee on Rivers and Harbors.

By Mr. DONOHUE: Petition of 1,500 citizens of the fifth congressional district of Pennsylvania, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. DOOLITTLE: Petition of sundry citizens and the Highland Grange of the State of Kansas, favoring establishment of a bureau of farm loans (H. R. 11755); to the Committee on Banking and Currency.

By Mr. DRUKKER: Petitions of the Butler (N. J.) Methodist Episcopal Church and Bloomingdale (N. J.) Methodist Protestant Church, favoring national prohibition; to the Committee on the Judiciary.

By Mr. GARD: Petitions of 567 citizens of Montgomery, Butler, and Preble Counties, Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of H. C. Wyatt, secretary, and J. G. Pieper, president, representing membership of the International Brotherhood of Blacksmith Helpers, Local No. 29, of Hamilton, Ohio, and petition of John Schwab, president, Henry Albertz, secretary, representing 50,000 members of the German-American Alliance in the State of Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of 2,568 citizens of Montgomery, Butler, and Preble Counties, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of O. B. Randall, pastor, Mrs. Harry Evans, secretary, representing 200 members of First United Presbyterian Church, of Dayton; R. C. Moon, pastor, W. C. Moore, secretary, representing 135 members of the Methodist Episcopal Church of Lewisburg; R. C. Moon, pastor, E. J. Henry, secretary, representing 130 members of the Methodist Episcopal Church of West Alexandria; P. E. Zartmann, pastor, W. L. Mundy, secretary, representing 116 members of the Walnut Hills Christian Church of Dayton; C. C. Cowgill, pastor, representing 200 members of the Church of Christ of Middletown; Carrie S. Flatler, speaker, representing 1,500 members of the Woman's Christian Temperance Union of Montgomery County; S. N. Keithley, pastor, Evelyn Zeller, secretary, representing 200 members of the Methodist Episcopal Sunday School of Lewisburg; Mrs. F. E. Griffin, chairman, representing 40 members of the Woman's Christian Temperance Union of Oxford; Everett Roberts, president, representing membership of the Friends' Church of West Elkton; H. G. Rice, minister, I. D. Snively, secretary, representing 189 members of the Presbyterian Church of Seven Mile; Mrs. W. H. Johnson, representing 112 members of the Woman's Christian Temperance Union of Middletown; Rev. J. M. Replock, representing 300 members of the United Brethren Church of Middletown; Carrie Flatler, speaker, representing audience of 400 of the United Brethren Church of Brookville; Carrie Flatler, speaker, representing audience of 300 of the United Brethren Miami Chapel, of Dayton; Mrs. True Houser, representing audience of 400 at Germantown; Carrie Flatler, representing audience of 350 at Phillipsburg; U. B. Brubaker, representing 75 members of the Methodist Church of Bellbrook; W. E. Spurrier, pastor, representing 150 members of the Methodist Episcopal Church of Germantown, all in the State of Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. GEORGE: Petitions of 2,225 citizens of the twenty-first congressional district of New York, against national prohibition; to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: Petition of the Methodist Episcopal Brotherhood of Westchester and sundry citizens of Rutledge and Mill Run, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. GOOD: Petition of sundry citizens of Marion, Iowa, favoring national prohibition; to the Committee on the Judiciary.

By Mr. GRIEST: Memorial of the Board of Trade of Chester, Pa., protesting against Government ownership of the telephone and telegraph lines in the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Otterbein United Brethren in Christ Church, of Lancaster, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of the Church of the Brethren of Little, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. GUERNSEY: Petition of the citizens of Corinth, Me., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAMLIN: Papers to accompany House bill 16186, to pension Nancy C. McCurdy; to the Committee on Invalid Pensions.

By Mr. HAYES: Petition of sundry citizens of California, against national prohibition; to the Committee on the Judiciary.

Also, petition of the Epworth League Chapter of the Methodist Episcopal Church of Saratoga, Cal., favoring censorship of moving pictures; to the Committee on Education.

Also, petition of sundry citizens of San Jose, Cal., favoring House bill 13305, relative to fraud in gold-filled watches; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL: Petition of Local Union No 189 of the Amalgamated Sheet Metal Workers' International Alliance, and V. C. Ford, William C. Janson, and other citizens of Salt Lake City, Utah, favoring the Bartlett-Bacon anti-injunction bills; to the Committee on the Judiciary.

Also, petitions of Local Union No. 325 of the International Union of Brewery Workmen of America, Ogden, Utah, and citizens of Ogden, Utah, against national prohibition; to the Committee on the Judiciary.

Also, petition of the board of directors of the Retail Merchants' Association of Utah, favoring House bill 13723, the Underwood anticoupon bill; to the Committee on Ways and Means.

Also, petition of the Salt Lake City Commercial Club, urging a more liberal policy in order to induce settlement of the public lands; to the Committee on the Public Lands.

By Mr. IGOE: Petition of the Kansas City (Mo.) Wholesale Liquor Dealers' Association and the Manufacturers Railway Co., of St. Louis, Mo., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Cigarmakers' International Union of America, of St. Louis, Mo., favoring passage of the Bartlett-Bacon bill; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: Memorial of Tacoma Council, No. 124, United Commercial Travelers, favoring passage of bill creating a coast guard (S. 2337); to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Commercial Club of Juneau, Alaska, urging establishment of a night cable service at that point; to the Committee on Military Affairs.

Also, memorial of the Central Labor Council of Tacoma, Wash., favoring Federal action to end Colorado strike; to the Committee on the Judiciary.

Also, petition of sundry citizens of Tacoma and Seattle, Wash., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. KAHN: Petition of the Methodist Ministers' Union of San Francisco, Cal., and the State Sunday School Convention, favoring legislation to establish a Federal motion-picture commission; to the Committee on Education.

Also, petition of the Knights of the Royal Arch of San Francisco, the German-American League of California, and J. C. Rettenmayer and E. E. Frederiek, of San Francisco, all in the State of California, against national prohibition; to the Committee on the Judiciary.

By Mr. KEISTER: Petitions of the Methodist Episcopal Church of Eau Claire; the Methodist Episcopal Church of Cranberry; the United Presbyterian Church of West Sunbury; the Whiteside Organized Adult Men's Bible Class, of the Second Presbyterian Church, of Butler; the United Presbyterian Church of Clinton; and 155 citizens of Monessen, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Westmoreland County, Pa., against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Scottsdale, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Iowa: Petitions of the Methodist and Baptist Churches and sundry citizens of Milton, Iowa, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Green Bay Grange, No. 2089, of Wever, Iowa, favoring Bathrick farm-credit bill; to the Committee on Banking and Currency.

Also, memorial of the board of directors of the Fort Madison First Association of Iowa, relative to desirability of region around Keokuk, Iowa, for factories; to the Committee on Rivers and Harbors.

By Mr. KENNEDY of Rhode Island: Memorial of the League of Improvement Societies of Rhode Island, protesting against

change in the present taxation policy in the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of the Merchants Association of New York, favoring adequate and frequent mail service between the United States and Pacific possessions; to the Committee on the Post Office and Post Roads.

By Mr. KINKEAD of New Jersey: Petitions of sundry citizens of Hudson County, N. J., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of various voters of the eighth congressional district of New Jersey, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. J. R. KNOWLAND: Petition signed by numerous residents of Oakland, Cal., favoring the passage of certain resolutions now pending in Congress providing for the prohibition of the sale, importation for sale, and manufacture for sale of intoxicating liquors for beverage purposes in the United States; to the Committee on the Judiciary.

Also, petition signed by numerous residents of Oakland, Cal., favoring the passage of a constitutional amendment prohibiting the manufacture and sale of alcoholic liquors for beverage purposes; to the Committee on the Judiciary.

Also, resolutions passed by the Alameda County (Cal.) Central Labor Union, requesting the President to withdraw the State troops from the coal mines in Colorado; to the Committee on Mines and Mining.

By Mr. LANGHAM: Petition of various voters and the Lutheran Church of Indiana and sundry citizens of Apollo, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of the Erie (Pa.) Foundrymen's Association, favoring more time to consider bills to regulate interstate business; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of Union Grange, No. 25, Patrons of Husbandry, of Southington, Conn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. McCLELLAN: Protests of James R. Hughes, James Purcell, P. J. Cunningham, John Rutz, Fred Barford, James Hogan, F. S. Becker, and Charles P. Drumm, all of Columbia County, N. Y., against national prohibition; to the Committee on the Judiciary.

Also, protests of P. A. Canfield, president Rondout National Bank, of Rondout; John G. Van Etten, of Kingston; W. M. Schwenker, of Woodstock; Sam Bernstein, president Chamber of Commerce, of Kingston, all in Ulster County, N. Y., against national prohibition; to the Committee on the Judiciary.

Also, petition of A. D. Pardu, of Kingston, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MAGUIRE of Nebraska: Petition of the Men's Bible Class of the Bethany Bible School, of Lincoln, Nebr., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MURRAY of Oklahoma: Petition of sundry citizens of Muskogee, Okla., and the Methodist University of Guthrie, Okla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. NEELY of West Virginia: Petitions of Philip Moore and 124 others, of Shinnston, W. Va., favoring national prohibition; to the Committee on the Judiciary.

By Mr. O'LEARY: Petitions of sundry citizens of the second congressional district of New York, against national prohibition; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Petition of the Old Colony Advertising Co., of Providence, R. I., against national prohibition; to the Committee on the Judiciary.

Also, petition of the League of Improvement Societies in Rhode Island, relative to half-and-half plan for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the Second Baptist Church of East Providence, R. I., favoring national prohibition; to the Committee on the Judiciary.

By Mr. PALMER: Resolution of the Erie Foundrymen's Association, of Erie, Pa., protesting against passage of measures intended to regulate the conduct of interstate business, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Board of Trade of Chester, Pa., against Government ownership of public utilities; to the Committee on the Judiciary.

Also, petition of the churches of Delaware Water Gap, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. PETERS of Maine: Petitions of sundry citizens of the third congressional district of Maine, against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of the third congressional district of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. PLATT: Petition of sundry citizens of Blue Bush, Clinton Corners, Bangall, Stamfordville, and the Woman's Christian Temperance Union and sundry citizens of Circleville, all in the State of New York, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Journeymen Barbers' Union, No. 332, Poughkeepsie, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. POU: Petition of 26 citizens of North Carolina, favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAINEY: Petition of the Lick Creek General Baptist Church and 24 citizens of Lick Creek, Ill., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Christian Endeavor Union of Jacksonville, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. REILLY of Connecticut: Petition of sundry citizens and the Woman's Christian Temperance Union of Meriden, Conn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROGERS: Petitions of sundry citizens of Massachusetts, against national prohibition; to the Committee on the Judiciary.

By Mr. RUPLEY: Memorial of the Merchants' Association of New York, protesting against bills to regulate interstate business; to the Committee on the Judiciary.

Also, petition of the United Societies for Local Self-Government of Chicago, Ill., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Carlisle, Pa., protesting against passage of the Sunday observance bill; to the Committee on the District of Columbia.

Also, petition of the Erie (Pa.) Foundrymen's Association, relative to extending time for considering bills to regulate interstate business; to the Committee on the Judiciary.

Also, petition of sundry citizens of Carlisle, Pa., favoring passage of House bill 12928, retaining section 6, relative to Sunday work in post offices; to the Committee on the Post Office and Post Roads.

Also, petition of Washington Camp, No. 58, Patriotic Order Sons of America, of Johnstown, Pa., protesting against any change in the American flag; to the Committee on the Judiciary.

By Mr. SELDOMRIDGE: Petition of Klowa County Grange, No. 206, Patrons of Husbandry, favoring passage of the Bathrick farm credit bill (H. R. 11897); to the Committee on Banking and Currency.

Also, petition of sundry citizens of La Junta, Colo., protesting against passage of the Sunday-observance bill; to the Committee on the Judiciary.

By Mr. SELLS: Petition of the Grand Army of the Republic Post of Greenville, Tenn., protesting against any change in the American flag; to the Committee on the Judiciary.

By Mr. SLOAN: Petition of the Spanish War Veterans of Beatrice, Nebr., favoring monthly payment of pensions; to the Committee on Pensions.

Also, petition of the Civil War Veterans of Beatrice, Nebr., favoring monthly payment of pensions; to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: Petitions of sundry citizens of Savage, Langham, Springfield, Bowie, Annapolis, Baltimore, Eastport, and Howard County, Md., favoring national prohibition; to the Committee on the Judiciary.

By Mr. STEPHENS of Nebraska: Petitions of 100 citizens of Wayne, 1,100 citizens of Fremont, and 400 citizens of Central City, Nebr., favoring national prohibition; to the Committee on the Judiciary.

By Mr. STEVENS of New Hampshire: Petitions and protests of Fred S. Crawford and sundry citizens of Woodsville, Manchester, and Benton; N. M. Nutte and sundry citizens of Woodsville, Bath, and Lancaster; 47 citizens of Keene; 107 citizens of Concord; Berlin Central Labor Union; 38 citizens of Hillsboro; 464 citizens of Nashua; 49 citizens of Franklin, all in the State of New Hampshire, against national prohibition; to the Committee on the Judiciary.

Also, petitions of the Congregational Church of North Weare; the St. James Protestant Episcopal Church, the Unitarian Congregational, the First Baptist, the Grace Methodist Episcopal, the First Congregational, and the Court Street Congregational Churches of Keene; and Congregational Church of Acworth, all in the State of New Hampshire, favoring national prohibition; to the Committee on the Judiciary.

By Mr. TUTTLE: Petitions of sundry citizens of Cranford and Chatham, N. J., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of the Essex County Bankers' Association, of New Jersey, relative to bill No. 15657; to the Committee on Banking and Currency.

Also, petition of sundry citizens of Plainfield, N. J., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of various voters of the fifth congressional district of New Jersey, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. UNDERHILL: Petitions of sundry citizens of Elmira and Elmira Heights; the Horseheads Methodist Protestant Church, of Arkport; sundry citizens of Ithaca; 1,421 citizens of Hornell; and 150 citizens of Wayne Village, all in the State of New York, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Massachusetts, approving stand taken by the President relative to Mexican situation; to the Committee on Foreign Affairs.

Also, petition of 50 voters of the thirty-seventh New York congressional district, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. WALLIN: Petitions of various residents of Amsterdam, N. Y., against national prohibition; to the Committee on the Judiciary.

Also, petition of various members of the Schenectady (N. Y.) Typographical Union, favoring the enactment of Senate bill 927, making lawful certain agreements, limiting injunctions, etc.; to the Committee on the Judiciary.

Also, petition of sundry citizens of Amsterdam, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of John Buehrle, of Bellefontaine, Ohio, protesting against the adoption of House joint resolution No. 168, relating to national prohibition; to the Committee on the Judiciary.

## SENATE.

FRIDAY, May 8, 1914.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee in prayer that we may faithfully and well discharge the duties of this day. May we be enabled to establish and make permanent that which is true, change that which is false, and bring all facts and all ideals to the measurement of Thine own divine will as revealed to us in Thy Word. May we get Thy point of view, and as stewards of God discharge the duties which are upon us. Above all things, may we have the charm and blessing not only of fellow citizenship but of brothers in a common cause, working in the interests of humanity for the glory of God's Name. We ask for Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a joint resolution (H. J. Res. 263) designating the second Sunday in May as Mothers' Day, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, in which it requested the concurrence of the Senate.

### ENROLLED BILL AND JOINT RESOLUTIONS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolutions, and they were thereupon signed by the Vice President:

S. 5445. An act for the relief of Gordon W. Nelson;  
S. J. Res. 97. Joint resolution authorizing the President to extend invitations to foreign governments to participate in the International Congress of Americanists; and  
S. J. Res. 142. Joint resolution authorizing the Vocational Education Commission to employ such stenographic and clerical assistants as may be necessary, etc.

### PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of McKean, New Castle, Pittsburgh, and Verona, in the State of Pennsylvania; of New York City, N. Y.; of Rockford and Marietta, in the State of Ohio; of Cloquet, Minn.; and of